

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JOHN KOGUT,

Plaintiff,

-against-

THE COUNTY OF NASSAU, POLICE
COMMISSIONER DONALD KANE, POLICE
COMMISSIONER WILLIAM J. WILLETT (2005),
POLICE COMMISSIONER JAMES LAWRENCE,
DETECTIVE SEAN SPILLANE (HEAD OF HOMICIDE
1985), DETECTIVE DENNIS FARRELL (HEAD OF
HOMICIDE 2005), CAROLANN HESSEMAN, AS
EXECUTRIX FOR THE ESTATE OF JOSEPH VOLPE,
DETECTIVE ROBERT DEMPSEY, DETECTIVE
ALBERT MARTINO, DETECTIVE WAYNE
BIRDSALL, DETECTIVE MILTON G. GRUBER,
DETECTIVE CHARLES FRAAS, DETECTIVE FRANK
SIRIANNI, DETECTIVE HARRY WALTMAN, P.O.
MICHAEL CONNAUGHTON, P.O. WILLIAM DIEHL,
and JOHN DOES 1-5,

Defendants.

JOHN RESTIVO, DENNIS HALSTEAD, MELISSA
LULLO, JASON HALSTEAD, TAYLOR HALSTEAD,
and HEATHER HALSTEAD,

Plaintiffs,

-against-

NASSAU COUNTY, CAROLANN HESSEMAN, AS
EXECUTRIX FOR THE ESTATE OF JOSEPH VOLPE,
in his individual capacity, ROBERT DEMPSEY,
in his individual capacity, FRANK SIRIANNI,
in his individual capacity, MILTON GRUBER,
in his individual capacity, HARRY WALTMAN
in his individual capacity ALBERT MARTINO,
in his individual capacity, CHARLIE FRAAS,
in his individual capacity, THOMAS ALLEN
in his individual capacity, RICHARD BRUSA,
in his individual capacity, VINCENT DONNELLY,

06-CV-6695 (JS)(WDW)

06-CV-6720(JS)(WDW)

in his individual capacity, MICHAEL)
CONNAUGHTON, in his individual capacity,)
WAYNE BIRDSALL, in his individual capacity,)
WILLIAM DIEHL, in his individual capacity,)
JACK SHARKEY, in his individual capacity,)
DANIEL PERRINO, in his individual capacity,)
ANTHONY KOZIER, in his individual capacity,)
Detective Sergeant CAMPBELL, (Shield #48),)
in his individual capacity, SEAN SPILLANE,)
in his individual capacity, RICHARD ROE)
SUPERVISORS #1-10, in their individual)
capacities,)
)
)
Defendants.)

JOINT PRETRIAL ORDER

2. Trial Counsel:

Plaintiff John Kogut is represented by:

Paul Casteleiro
200 Washington St., 5th Fl
Hoboken, NJ 07030
pcasteleiro@aol.com
(o): (201) 656-1696
(f): (201) 656-4688

Anthony Grandinette
GRANDINETTE & SERIO, LLP
114 Old Country Rd., Suite 420
Mineola, NY 11501
grandinettelaw@gmail.com
(o): (516) 248-5317
(f): (516) 294-5348

Plaintiffs John Restivo and Dennis Halstead are represented by:

Barry C. Scheck
Debi Cornwall
Anna Benvenutti Hoffmann
Sonam Henderson
NEUFELD SCHECK & BRUSTIN, LLP
99 Hudson St., 8th Floor
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(o)(212) 965-9081
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Defendants are represented by:

Lou Freeman
Lee Ginsburg
Nadjia Limani
Freeman, Nooter & Ginsberg
75 Maiden Lane, Suite 503
New York, New York 10038

Michael Ferguson
Nassau County Attorney's Office
Ralph G. Caso Executive & Legislative Building
One West Street
Mineola, NY 11501-4820

3. **Subject Matter Jurisdiction:**

This Court has federal question jurisdiction, pursuant to 28 U.S.C. § 1331, over claims arising under 42 U.S.C. § 1983. Title 28 U.S.C. § 1367(a) provides supplemental jurisdiction over plaintiffs' state law claims.

4. **Claims and Defenses remaining to be tried:**

This Court granted in part and denied in part defendants' Rule 12(c) motion for judgment on the pleadings (D.E. 67), but reconsidered in part (D.E. 83), leaving the following claims against the following defendants to be tried:

Plaintiff John Kogut:

- 42 U.S.C. § 1983 malicious prosecution (1985/1986) (Count 3);
- 42 U.S.C. § 1983 malicious prosecution (2005) (Count 4);
- 42 U.S.C. § 1983 14th Amendment falsification of evidence (Count 5);
- 42 U.S.C. § 1983 14th Amendment falsification of documents (Count 6);
- 42 U.S.C. § 1983 Monell (Count 9);
- 42 U.S.C. § 1983 Monell unconstitutional pattern/practices (Count 10);
- 42 U.S.C. § 1983 Brady (Count 11);
- State law malicious prosecution (Count 15);
- State law respondent superior (Count 17); and
- State law negligent supervision (Count 18).

Plaintiffs John Restivo and Dennis Halstead (Amended Complaint, No. 2:06 Civ. 6790 (JS)(WDW), D.E. 33, as amended by substitution of Carolann Hesseman as Executrix for the Estate of Joseph Volpe, see Case No. 2:06 Civ. 6695 (JS)(WDW), D.E. 121):

- 42 U.S.C. § 1983 malicious prosecution (Count 1);
- 42 U.S.C. § 1983 due process, including theories of a) fabrication and b) suppression from prosecutors of material exculpatory and impeachment information (Count 2);
- 42 U.S.C. § 1983 conspiracy (Count 4);
- 42 U.S.C. § 1983 supervisory liability (Count 5);
- 42 U.S.C. § 1983 municipal liability (Count 6); and
- State law malicious prosecution (Count 8)

The following claims alleged by plaintiffs Restivo and Halstead have been dismissed and will not be tried:

- 42 U.S.C. § 1983 false arrest (Count 1)
- 42 U.S.C. § 1983 failure to intercede (Count 3);
- 42 U.S.C. § 1983 familial association (Count 7);
- State law false arrest (Count 8);
- State law assault & battery (Count 9);
- State law intentional or reckless infliction of emotional distress (Count 10);
- State law reckless infliction of emotional distress (Count 11); and
- State law respondeat superior (Count 12).

Defenses:

TBA

5. **Jury Statement:**

All plaintiffs have demanded a jury trial and tentatively anticipate (pending summary judgment and *in limine* rulings), the plaintiffs' case will collectively take 18 trial days.

Defendants have demanded a jury trial and will estimate the number of days for the defense case in the amended pretrial order.

6. **No Consent to trial by Magistrate Judge:**

The parties do not consent to trial by a Magistrate Judge.

7. **Stipulations or agreed statements of fact or law agreed to by all parties:**

As per the letter of Mr. Freeman of 7/21/12 (D.E. 291), the parties will continue to meet and confer on stipulations of law and fact and file an amended Joint Pretrial Order on 8/27/12 with joint stipulations. Plaintiffs' proposals are listed here:

Plaintiffs' Proposed Stipulated Facts:¹

Sixteen year-old Theresa Fusco went missing after being fired from her job at the roller rink Hot Skates in Lynbrook at or about 9:47 p.m. on Saturday, November 10, 1984. She was wearing a denim jacket, striped blue jeans, white balloon sneakers, several rings and necklaces, and carried a burgundy vinyl pocketbook. She had planned to meet her best friend, Lisa Kaplan, after work, but never arrived. When she did not return home the next morning, Miss Fusco's mother filed a missing person's report. Detective George Doherty of the Missing Person's Bureau of the Nassau County Police Department (NCPD) started an investigation.

Miss Fusco's naked body was found on December 5, 1984. She was covered with leaves and wooden pallets, face-down in a wooded area on the north side of the railroad tracks, between Park Place and Rockland Avenue in Lynbrook, two blocks away from Hot Skates. All of her clothing and jewelry had been removed.

Nassau County police responded to the scene. The Homicide Bureau's Commanding Officer, Lt. Sean Spillane, assigned Det. Joseph Volpe to lead the investigation. NCPD crime scene technicians photographed the scene and processed it for various types of evidence (physical, forensic, etc.), the results of which were forwarded to Detective Volpe as the carrying Detective, prior to his interrogation of John Kogut.

The next day, Nassau County Medical Examiner ("NCME") Dr. Daniel McCarthy conducted the autopsy. He determined that Miss Fusco's cause of death was strangulation by ligature. Under the direction of Dr. McCarthy, Dr. Robert Baumann, a forensic medical investigator with the Nassau County Police Department ("NCPD"), collected biological samples from the body of Theresa Fusco, including vaginal swabs, anal swabs, oral swabs, oral smears, anal smears, vaginal smears, fingernail scrapings, and hair. NCPD Homicide Detective Harry Waltman attended Fusco's autopsy, at which he received samples of Fusco's hair and blood, thereafter he personally delivered these samples to the NCPD Scientific Investigations Bureau (SIB).

As part of an analysis completed on January 3, 1985, Dr. Baumann analyzed the Fusco smears for the presence of spermatozoa and determined that spermatozoa were present on the vaginal smears. Some of the biological samples from Miss Fusco remained in storage at the Nassau County Medical Examiners Office ("NCME"). Dr. Baumann delivered other samples from Miss Fusco to the NCPD's Scientific Investigation Bureau.

On March 26, 1985, after an overnight interrogation by Nassau County Police detectives, John Kogut was arrested and jailed. The interrogation yielded a handwritten confession, a Miranda rights card and a videotaped confession by John Kogut. Mr. Kogut contends that these statements were false, coerced and fabricated. Defendants contend that these statements are

¹ All of the plain text is from plaintiffs' 4th Set of Requests to Admit, which the Court has deemed are admitted. See D.E. 173 (granting D.E. 168, R/H plaintiffs' motion to deem admitted their 4th Set of Requests to Admit). The highlighted text is proposed by plaintiffs, setting out additional facts we do not believe to be in dispute.

truthful, and were freely and voluntarily given. On May 8, 1985, a grand jury indicted John Kogut for three felony counts committed against Theresa Fusco on or about November 10, 1985: 1) intentional second-degree murder by ligature strangulation, 2) second-degree murder in the course of rape, and 3) first-degree rape.

On June 20, 1985, a grand jury indicted John Restivo and Dennis Halstead for three felony counts committed against Theresa Fusco on or about November 10, 1985: 1) intentional second-degree murder by strangulation; 2) second-degree murder in the course of a rape, and 3) first-degree rape. John Restivo and Dennis Halstead were both arrested and jailed on June 20, 1985.

John Kogut was tried alone and convicted of all three counts on June 27, 1986. He was sentenced to serve 31 ½ years to life in prison. After a separate trial, John Restivo and Dennis Halstead were convicted of all three counts on December 3, 1986. In February, 1987, John Restivo and Dennis Halstead were each sentenced to serve 33 1/3 years to life in prison. John Kogut, John Restivo and Dennis Halstead each appealed their convictions. Those appeals were denied.

In 1993, by agreement with the Nassau County District Attorney's Office ("NCDA"), biological evidence collected from Miss Fusco at autopsy, including one of the vaginal swabs, was delivered from the NCME to Lifecodes Laboratory for forensic testing. With their consent, blood was drawn from John Kogut, John Restivo and Dennis Halstead in October of 1993. Those sealed samples were delivered to Lifecodes.

Lifecodes performed "DQ Alpha" testing, an early form of DNA testing, on the biological evidence received from the NCME. On November 22, 1993, Lifecodes reported that its testing excluded Dennis Halstead as the source of the male DNA present in the biological evidence received from the NCME. Lifecodes then returned the evidence back to the NCME via UPS, retaining the remnants of its DNA testing.

On June 23, 1994, pursuant to an agreement between the NCDA and counsel for John Kogut, John Restivo and Dennis Halstead, Lifecodes sent the remnants of its DNA testing, as well as reference samples of blood from John Kogut, John Restivo and Dennis Halstead, to CBR Laboratories via Federal Express.

Again by agreement with the NCDA, on September 19, 1994, the NCME sent via Federal Express biological evidence collected from Miss Fusco, including vaginal swabs, an oral swab, and a slide containing a vaginal smear, to CBR Laboratories, Inc., for additional DNA testing. CBR Laboratories reported on November 29, 1994 that DNA testing using the DQ Alpha method excluded John Kogut, John Restivo and Dennis Halstead as the source of male DNA found in the samples collected from Miss Fusco.

At the request of the NCDA, in December 1994, biological samples collected from Miss Fusco's vagina as well as blood samples from John Kogut, John Restivo and Dennis Halstead were sent from the NCME and from CBR Laboratories to Cellmark Diagnostics for DNA testing. On January 5, 1995, Cellmark reported that, consistent with the findings of CBR

Laboratories, its testing excluded John Kogut, John Restivo and Dennis Halstead as the source of male DNA found in the vaginal samples it tested.

Based on these DNA results, plaintiffs each moved to vacate their convictions. The NCDA opposed the motions and they were denied on August 14, 1995.

Cellmark returned the remaining evidence to the NCME, which received it via Federal Express from Cellmark in a sealed box on March 28, 1995. The NCME maintained the sealed box of evidence containing biological samples from Theresa Fusco until March of 2001, when it was opened and the sealed packages inside the box were examined to identify whether samples remained for additional DNA testing using the more advanced Short Tandem Repeat (“STR”) method.

STR DNA testing permits a determination, to a reasonable degree of scientific certainty, whether a given person is, or is not, a contributor of the DNA profile yielded from a given forensic sample.

On March 8, 2001, the NCME sent samples of biological material from the Fusco vaginal smear to the Laboratory Corporation of America (“LabCorp”) by Federal Express overnight delivery. On March 20, 2001, LabCorp reported that it had identified a male DNA profile in one of the Fusco vaginal smear samples it had received from the NCME. The NCME then sent LabCorp an oral swab collected from Theresa Fusco at autopsy. On June 7, 2001, LabCorp reported that it had identified Theresa Fusco’s DNA profile from the oral swab.

The Office of the Chief Medical Examiner of the City of New York, Department of Forensic Biology (“NY OCME”), after identifying the DNA profiles of all three men, reported on December 4, 2001 that John Restivo, Dennis Halstead and John Kogut were all excluded as the source of male DNA identified by LabCorp.

In January 2003, Nassau County authorities located an additional item of evidence, a sealed envelope containing a glass tube with the remnants of a swab, which had been vouchered by the NCPD Property Bureau as a swab from Theresa Fusco. This newly discovered evidence was unsealed, examined and photographed under controlled conditions at a lab within the Nassau County Medical Examiner’s Office.

This newly discovered evidence, along with other remaining samples collected from Theresa Fusco and reference samples of blood from John Kogut, John Restivo and Dennis Halstead, was sent to Orchid Cellmark Laboratories, formerly Cellmark Diagnostics (“Cellmark”) in March of 2003. On March 21, 2003, Cellmark reported finding a mixture of female DNA matching Theresa Fusco and male DNA on the newly discovered vaginal swab. Cellmark reported that John Restivo, Dennis Halstead and John Kogut were all excluded as the source of the male DNA from the newly discovered swab.

All three laboratories that conducted STR DNA testing – LabCorp, New York’s Office of the Chief Medical Examiner, and Cellmark – identified the same single, intact DNA profile of an unknown male as the source of the semen found in Miss Fusco’s vagina. All three laboratories

reported that Dennis Halstead, John Restivo and John Kogut were each excluded as the source of the male DNA collected from Miss Fusco. At all three laboratories, STR DNA testing was performed under scientifically acceptable protocols.

These test results excluded all three plaintiffs as the source of semen found in the Miss Fusco's vaginal cavity. These test results are accurate and reliable.

The Nassau County Medical Examiner's Department of Forensic Genetics uploaded the unidentified male profile in the Combined DNA Index System Database, known as "CODIS." To date, the profile does not match any profile contained in CODIS.

STR analysis was not available for use as a forensic technique in 1986, when Halstead, Restivo and Kogut were tried.

Based on these STR DNA results, counsel for Dennis Halstead, John Restivo and John Kogut, as well as the Nassau County District Attorney's Office entered into a stipulation in May 2003 and moved the Court to vacate the convictions of all three men. The Nassau County Court granted the parties' motion and, on June 11, 2003, all three men's convictions were vacated.

The NCPD Homicide Bureau reinvestigated the Fusco case but found no new reliable evidence linking Mr. Kogut, Mr. Restivo or Mr. Halstead to the crime, nor any reliable evidence that the semen recovered from Miss Fusco's body was the product of a consensual sexual encounter before her death.

John Kogut was retried. On December 23, 2005, he was acquitted by County Court Judge Victor Ort. On December 29, 2005, upon the Nassau County District Attorney's Office's motion, the indictment charging Dennis Halstead and John Restivo with the rape and murder of Theresa Fusco was dismissed.

Stipulations of Law:

As per the letter of Mr. Freeman of 7/21/12 (D.E. 291), the parties will continue to meet and confer and file an amended Joint Pretrial Order including any stipulations of law on 8/27/12. Plaintiffs' proposals are included here:

Plaintiffs' Proposed Stipulations of Law:

The parties stipulate that the individual defendants were acting under color of law and within the scope of their employment in connection with their work on the Fusco investigation and prosecution.

Plaintiffs Kogut, Restivo and Halstead consent to the voluntary dismissal of the following defendants: Richard Brusa, Vincent Donnelly, John Does 1-5 and Richard Roe supervisors 1-10.

8. **Witness Lists:**

As per the letter of Mr. Freeman of 7/21/12 (D.E. 291), the parties will exchange designations of any additional witnesses, including rebuttal witnesses, by 8/20/12 and list them in an amended Joint Pretrial Order on 8/27/12.

Plaintiffs' Witness List:

**All addresses of defendants and NCPD witness are c/o defense counsel at Freeman, Nooter & Ginsburg, and all addresses of plaintiffs and plaintiffs' family members are c/o plaintiffs' counsel at Neufeld Scheck & Brustin, Grandinette & Serio or the Law Office of Paul Casteleiro..*

Thomas Allen, defendant

Detective Allen will testify about his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

Marcello Baez

Current address unknown

Offer TT in lieu of live testimony regarding finding Theresa Fusco's body.

Michael L. Baird, Ph.D.

One DDC Way
Fairfield, OH 45014

Dr. Baird was the Vice President of Laboratory Operations at Lifecodes Corporation (Lifecodes) from 1992 to 2001. If necessary he will testify about Lifecodes' procedures during the time of his employment, including 1993, for record-keeping related to the DNA testing it conducted for and the use and maintenance of the forensic and biological materials used in such testing, and DNA testing of evidence in the underlying criminal case.

Robert Baumann

Suffolk County Crime Laboratory
Building 487
North County Complex
Veterans Highway
New City, NY 10956

Robert Baumann was a serologist for the Nassau County Medical Examiner's Office and will testify about forensic evidence obtained from Theresa Fusco's corpse. Mr. Baumann testified in *People v. Restivo & Halstead* (1986), *People v. Kogut* (1986) and *People v. Kogut* (2005).

Adele Bernhard, Esq.

c/o Pace University Law School

78 North Broadway
White Plains, NY 10603

Ms. Bernhard represented Dennis Halstead during postconviction proceedings and will testify about the process of post-conviction litigation, efforts to access evidence and discovery of a Fusco vaginal swab and damages.

Rochelle Bernstein
1414 Merrick Road
Lynbrook, NY 11563

Offer TT in lieu of live witness

Wayne Birdsall, defendant

Detective Birdsall will testify about his examination of the Restivo van for bodily fluid evidence on March 26, 1985, his reporting of his findings, his assisting Charles Fraas in processing the van for trace evidence, his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision as well as the NCPD's Scientific Investigation Bureau (SIB).

Gregory Brock
c/o New York State Department of Corrections

Mr. Brock will testify as to his role in the Joshua Chisolm homicide and that Robert Moore was not involved or present at that time.

Elizabeth Cagan
1893 Emma Lee Lane
Hanford, CA 93230

Elizabeth Cagan was a customer of Move-Rite Movers and will testify about a moving job performed on November 10, 1984 by Move-Rite Movers, the NCPD's interview of and display of photographs to her and her husband Steven, and her ultimate identification of the men who did the moving job.

Steven Cagan
739 Paseo Camarillo, Apt. 63
Camarillo, CA 93010

Steven Cagan was a customer of Move-Rite Movers and will testify about a moving job performed on November 10, 1984 by Move-Rite Movers, the NCPD's interview of and display of photographs to him and his wife Elizabeth.

Anna Campbell
2944 Lindale Street

Wantagh, New York 11975

Ms. Campbell was a neighbor of the Restivos on Doxsie Place in Lynbrook who will testify to having seen the blue van on blocks in November of 1984.

Dorsha Campbell

18203 Neff Rd
Cleveland OH 44119-2646

Mrs. Campbell will testify about Move-Rite's moving a piano into her house in Hempstead on or about November 24, 1984, and the police interview of her about that on or about April 3, 1985.

Jareau Carter

Address Unknown

Mr. Carter will testify as to his role in the Jose Alberto Cruz homicide and that Jose Anibal Martinez was not involved or present at that time.

James Casatelli

321 Fourth Street
Lindenhurst, NY 11757

Mr. Casatelli will testify as to John Kogut's alibi on the evening of November 10, 1984 at Atlantic Avenue school yard.

Meghan E. Clement

Laboratory Corporation of America
1912 Alexander Drive
Research Triangle Park, NC 27709

Ms. Clement is the current Technical Directory, Forensic Identity Testing at the Laboratory Corporation of America (LabCorp) in Research. Should it be necessary, she will testify about LabCorp's procedures used from 2001 through the present for record-keeping related to the DNA testing it conducts and for the use and maintenance of the forensic and biological materials used in that testing, and DNA testing of evidence in the underlying criminal case.

Michael Cockerel

316 Beach 63 St.
Queens, NY 11692

Michael Cockerel will testify as to John Restivo's whereabouts and activities on November 10, 1984, as well as his knowledge of the NCPD investigation. His deposition is to take place in August by Order of Magistrate Wall.

Kenneth Cockerel* (pending *in limine* ruling regarding his unavailability)
78 Union Avenue
Lynbrook, NY

If plaintiffs' motion *in limine* to deem him unavailable is not granted, Kenneth Cockerel will testify to the NCPD's coercive and suggestive interrogation of him in 1985, and his grand jury testimony, and his knowledge of the NCPD investigation.

Michael Connaughton, defendant

Officer Connaughton will testify about his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

Robin Cotton
72 East Concord Street, Room R806A
Boston, MA 02118

Ms. Cotton was employed at Cellmark Diagnostics (Cellmark) from 1988 to 2006 as the Director of Research and Development and Director of Laboratories. If necessary, she will testify about Cellmark's procedures used during her employment, including 1994 and 1995, for record-keeping related to the DNA testing conducted at the lab and for the use and maintenance of the forensic and biological materials used in such testing, and DNA testing of evidence in the underlying criminal case.

Carolann Davies
Current address unknown

Propose to offer R/H trial testimony. Testified regarding Dennis Halstead conducting work on her house on November 10, 1984, his children arriving on bicycles, eating lunch, and leaving in the afternoon.

Debbie DeCarlo
1504 White Hall Dr. #103
Davie, FL 33324

Ms. DeCarlo will testify about the theft of her license plates in 1984; those plates being found on John French's car when the car was recovered after being stolen the night of Theresa Fusco's disappearance; and the subsequent NCPD investigation of the possible links between the theft of her plates and Fusco homicide.

Thomas DeCrascenzo
Current address unknown

Propose to read TT of R/H trial, regarding a 15-20 minute phone call he received at 8:10 p.m. on November 10, 1984, and conversation with John Restivo and Michael Cockerel. Alibi witness.

Peter DeForest

P.O. Box 141
Ardsley, NY 10502-0141

Mr. DeForest will testify as an expert in forensic hair examination regarding postmortem hair banding and his observations and comparison of hair evidence as a defense witness in the underlying criminal proceedings, consistent with his report and testimony at the *Daubert/Kumho Tire* hearing.

Robert Dempsey, defendant

Det. Dempsey will testify about his role in the Fusco investigation, his knowledge of NCPD practices, customs, policies, training and supervision, and his role in eliciting other false confessions including that of Shonnard Lee as well as the civil suit and verdict that followed.

Renee DeStefano/Sandie

13 Wesley Drive or 129 Sherman Street
East Rockaway, NY Lynbrook, NY

Ms. DeStefano will testify as to John Kogut's alibi on the evening of November 10, 1984 at Atlantic Avenue school yard.

William Diehl, defendant

Officer Diehl will testify about his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

George Doherty, former NCPD Det.

Det. Doherty will testify about his role in the Fusco missing persons investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

Vincent Donnelly, defendant

Det. Donnelly will testify about his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

ADA Joseph Dompkowski

c/o Nassau County District Attorney's Office
262 Old Country Road
Mineola, New York 11501

ADA Dompkowski will testify concerning the dismissal of the Robert Moore criminal complaint for the murder of Joshua Chisolm along with his knowledge of the false confession of Robert Moore.

Frances Berry Doyle
1342 Menard St.
Uniondale, NY 11553

Mrs. Doyle was Mr. Halstead's counselor prior to his arrest in the Fusco case. She will testify as to damages.

Joe Dragatto (Mugsey)
3 Crest Court
Middle Island, NY 11953

Mr. Dragatto will testify as to John Kogut's alibi on the evening of November 10, 1984 at Atlantic Avenue school yard.

Robert Edwards, defendant

Sgt. Edwards will testify about his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

Dennis Farrell, former NCPD Det. Lt.

Former Det. Lt. Farrell will testify about his role overseeing the NCPD's "reinvestigation" and "blind-eye" investigation of the Fusco homicide and his knowledge of NCPD practices, customs, policies, training and supervision.

Russell Fischer
11035 NW 28 Drive
Coral Springs, Florida 33065

Mr. Fischer will testify as an expert on police practices, consistent with his report.

Arthur Fleishman
Address unknown

Mr. Fleishman testified as a defense witness at the criminal trial of Mr. Halstead and Mr. Restivo. He is likely to have discoverable information related to the reputation of Brian O'Hanlon.

Dr. Elizabeth Ford
200 E. 94th St. #808
New York, NY 10128

Dr. Ford is a psychiatrist will testify as an expert as to Dennis Halstead's damages.

Charles Fraas, defendant

Former Det. Fraas will testify about his role in the Fusco investigation, specifically including his processing the Restivo van for trace evidence, the chain of custody of hair evidence, his microscopic comparison of hairs, his reporting of results, and his knowledge of NCPD and SIB practices, customs, policies, training and supervision.

John French

224 Rolling Street
Malverne, NY 11565

Mr. French will testify about the theft of his car on the night that Theresa Fusco disappeared; the condition, location and contents of the car when it was recovered (including striped girls' jeans); and NCPD investigation of the possible links between the theft of the car and the Fusco homicide, as per his deposition.

Lori French Gabberty

2426 Wood Avenue
Bellmore, NY 11710

Mrs. Gabberty will testify about the theft of her brother's car on the night that Theresa Fusco disappeared; the condition, location and contents of the car (including striped girls' jeans) when it was located; and NCPD investigation of the possible links between the theft of the car and the Fusco homicide, as per her deposition.

Pat Galligan

428 N. W. Canterbury Court
Port Saint Lucy Florida 34983

Mr. Pat Galligan will testify as to John Kogut's alibi on the evening of November 10, 1984 at Atlantic Avenue school yard.

Sean Galligan

1752 Jefferson Street
Seaford, NY

Mr. Sean Galligan will testify as to John Kogut's alibi on the evening of November 10, 1984 at Atlantic Avenue schoolyard.

Carol Germano

65 Lincoln Boulevard, Apt F12
Long Beach, NY

Ms. Germano will testify as to John Kogut's alibi on the evening of November 10, 1984 at Atlantic Avenue school yard.

Kate Germond

c/o Centurion Ministries
221 Witherspoon Street
Princeton, NJ 08542

Ms. Germond will testify concerning the factual history of Centurion Ministries, on or about 1993, to establish the unjust convictions and actual innocence of all three plaintiffs, and damages as to plaintiff, John Kogut.

Thomas Gilhooley

Current address unknown

Offer TT in lieu of live testimony; was Theresa Fusco's boss at Hot Skates. Testimony about her dismissal and exit from Hot Skates on November 10, 1984.

Retired Detective Frank Guidice

Mr. Guidice will testify concerning his supervisory role within the Nassau County Police Department Homicide Bureau, its policies and procedures, and his knowledge of numerous false confessions in homicide cases.

Dennis Halstead, plaintiff

Mr. Halstead will testify regarding liability and damages.

Jason Halstead, c/o NSB

Heather Halstead, c/o NSB

Taylor Halstead, c/o NSB

Melissa Halstead Lullo, c/o NSB

Jason, Heather, Taylor and Melissa Halstead are children of plaintiff Dennis Halstead and will testify about Dennis Halstead's whereabouts on November 10, 1984 and damages.

Robert Hillman, NCPD Det.

Det. Hillman will testify about his investigation of the Fusco homicide, subject to *in limine* rulings.

Prof. Charles Honts

Boise State University
3105 Sweetwater Drive
Boise, ID 83716-5664

Honts will testify as a polygraph expert regarding the NCPD's use of the Arther Method during the Fusco investigation, as well as the Kogut polygraph, as per his report and testimony in the 2005 Kogut retrial.

Max Houck
P.O. Box 6250
Arlington, VA 22206

Mr. Houck will testify as an expert in forensic anthropology and forensic hair examination regarding postmortem hair banding, consistent with his report and testimony at the *Daubert/Kumho Tire* hearing.

Lisa Kaplan Johnson
12 Summerfield Drive
Holtsville, NY 11742

Ms. Johnson was Theresa Fusco's best friend and will testify about Theresa Fusco's activities and plans on November 10, 1984, and her knowledge of Miss Fusco's lack of sexual activity.

Saul Kassin
John Jay College of Criminal Justice
445 West 59th Street
New York, NY 10019

Saul Kassin is a social psychologist who will testify about the phenomenon of false confessions and the Kogut confession, as per his expert report.

Fred Klein, Esq.
c/o Michael Sepe, Esq.
11 Clinton Avenue
Rockville Centre, N.Y. 11570

Mr. Klein was the trial prosecutor in the 1986 trials of plaintiffs. He will testify about whether he received certain information during those proceedings, as well as his statements in moving to dismiss the Restivo/Halstead indictment in December of 2005, consistent with his deposition. Mr. Klein will also testify about his knowledge of Defendants' Volpe and Dempsey procuring false confessions in the Lee and Moore cases and Brady violations in the Lee case. Mr. Klein will also testify concerning other false confession cases in Nassau County.

Leo Klein
273 Lexington Ave.
West Babylon, NY 11704

Leo Klein will testify about his misdating a receipt for equipment rented by John Restivo on November 10, 1984, his correction of that receipt, and the NCPD's questioning of him. He testified at the Restivo/Halstead trial in 1986.

Lucille Klein, aka Roxanne Pizzolo
5165 Merrick Road
Massapequa Park, NY 11762-3728

Mrs. Klein was the wife of Leo Klein, who testified during the criminal trial of Mr. Halstead and Mr. Restivo, and is likely to have discoverable information related to coercive conduct by NCPD defendants in questioning her husband.

John Kogut, plaintiff

Mr. Kogut will testify as to liability and damages.

Anthony Kosior, defendant

Subject to *in limine* rulings regarding polygraph evidence, Det. Kosior will testify about his use of the Arther method in polygraphing various individuals during the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

Shonnard Lee
c/o Grandinette & Serio

Mr. Lee will testify about defendant Dempsey's coercing and fabrication of evidence in his homicide case, his subsequent complaints, lawsuit, and civil verdict.

Silas Lee
9 Jackson Place
Freeport, NY 11520

Mr. Lee will testify as to Shonnard Lee's whereabouts on the date and time of Sammy Jones' death and the subsequent events surrounding Shonnard's arrest and malicious prosecution in State and Federal Court.

Dorothy Lee
9 Jackson Place
Freeport, NY 11520

Ms. Lee will testify about her son Shonnard Lee's false arrest and malicious prosecution in State and Federal Court.

Dennis Lempke, Esq.
114 Old Country Road
Mineola, NY 11501

Mr. Lempke will testify concerning the malicious prosecution of Shonnard Lee for the murder of Sammy Jones including the withholding of critical *Brady* material during Lee's

criminal prosecution and his knowledge of other false confessions obtained by Nassau County Police Department, including Blair Gardner.

Joann Lenahan

16 Julie Walk
Long Beach, New York 11561

Offer TT in lieu of live witness.

Regan Martin, Deceased

Mr. Martin was an eyewitness to the homicide of Sammy Jones. His deposition was recorded on videotape and will be offered pursuant to Rule 32.

Anibal Martinez

c/o Grandinette & Serio

Mr. Martinez will testify as to the fabrication of false evidence against him, including a false confession, by the Nassau County Police Department in a homicide prosecution of Jose Alberto Cruz and the events surrounding his criminal prosecution, dismissal of his charges, and subsequent civil action and settlement.

Albert Martino, defendant

Det. Martino will testify about his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

Hon. Edward W. McCarty, III

Nassau County Supreme Court
100 Supreme Court Drive
Mineola, NY 11501

Judge McCarty was a deputy district attorney for the Nassau County District Attorney's Office at the time that Mr. Halstead and Mr. Restivo were arrested and will testify about the preparation of eavesdropping warrants and supporting affidavits with defendant Volpe in 1985 prior to the empaneling of a grand jury.

Honorable Judge James McCormack

262 Old Country Road
Mineola, New York 11501

Judge McCormack will testify concerning facts related to the criminal prosecution of Douglas Smith for the homicide of Joshua Chisolm

Frank Meyers, deceased*

Mr. Meyer was a former FBI agent and plaintiff John Restivo's uncle. His deposition was recorded on videotape and will be offered pursuant to Rule 32. He testified about seeing John Restivo's blue van in the driveway of Frida Restivo, on blocks, on Saturday evening, November 10, 1984.

Robert Moore

c/o Grandinette & Serio

Mr. Moore is ill living out of state and is unavailable. Mr. Moore's deposition testimony will be offered regarding coercion and fabrication of a false homicide confession from him, the subsequent dismissal of all criminal charges against him, followed by his 1983 claim.

Deputy U.S. Marshal Michael Morpeau

225 Cadman Plaza East (G-20)
Brooklyn, NY 11201

Mr. Morpeau is a Deputy United States Marshal based in the Eastern District of New York, who has discoverable information about his unsuccessful attempt to serve Kenneth Cockerel at 78 Union Avenue, Lynbrook, with a court-ordered order to show cause and deposition subpoena in this action.

Nina Morrison, Esq.

The Innocence Project
100 Fifth Avenue, 3rd Floor
New York, NY 10011

Ms. Morrison represented John Restivo during post-conviction proceedings and will testify about the process of post-conviction litigation, efforts to access evidence and discovery of a Fusco vaginal swab, and damages.

Andre Myrie

Address Unknown

Mr. Myrie will testify as to his role in the Joshua Chisolm homicide and that Robert Moore was not involved or present at that time.

Concetta Napoli

6 Windsor Place
Lynbrook, New York 11563

Ms. Napoli is the mother of Theresa Fusco and will testify about her daughter's last day, her clothing and accessories, and that she was a virgin. She was a witness at the criminal trials.

Margaret Niedecker, c/o NSB

Ms. Niedecker is married to John Restivo and will testify as a damages witness.

K. O'Donnell, Esq.

Will testify concerning facts related to the criminal prosecution of Jareau Carter for the homicide of Alberto Cruz.

Brian O'Hanlon

234 Ocean Ave., Lynbrook, NY 11563 or
116 Bedford Avenue, Merrick, NY 11566

Brian O'Hanlon testified as a witness in the 1986 Restivo/Halstead trial. He will testify about his role in the Fusco investigation, benefits he received for his testimony, and the NCPD conspiracy.

Michael O'Leary, former NCPD Det.

Det. O'Leary will testify about the "reinvestigation" of the Fusco case, his contacts with defendant Volpe, and his knowledge of NCPD practices, customs, policies, training and supervision.

Sgt. Overs, Lynbrook P.D.

Offer TT in lieu of live testimony regarding finding Theresa Fusco's body.

Robert Peck, Esq.

107 Dogwood Lane
Manhasset, New York

Mr. Peck was Mr. Martinez's criminal attorney and Mr. Peck will testify concerning about his knowledge about the criminal prosecution of Mr. Martinez including the false confession created by the Nassau County Police Department and the subsequent prosecution of Jareau Carter, the true killer of Jose Alberto Cruz.

Nicholas Petraco

73 Ireland Place
Suite 128
Amityville, NY 11701

Mr. Petraco will testify as an expert in forensic hair examination regarding postmortem hair banding and his observations and comparison of hair evidence as a prosecution witness in the underlying criminal proceedings, consistent with his report and testimony at the *Daubert/Kumho Tire* hearing.

Daniel Perrino, defendant

Det. Perrino will testify about his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

Carl Pozzini

75 Beatrice Ave.
West Islip, NY 11795

Mr. Pozzini was a fact witness at Mr. Halstead and Mr. Restivo's criminal trial and will testify about his interactions with NCPD defendants who elicited false statements from him.

Lisa Price

Address Unknown

Ms. Price will testify as to John Kogut's alibi on the evening of November 10, 1984 at Atlantic Avenue school yard as well as damages.

Mechthild Prinz, Ph.D.

421 East 26th Street
New York, New York 10016

Dr. Prinz is the Director of the Department of Forensic Biology at the Office of the Chief Medical Examiner (OCME) of the City of New York. If necessary he will testify as to OCME's procedures from 2001 through the present for record-keeping related to the DNA testing it conducts and for the use and maintenance of the forensic and biological materials used in that testing.

David Rapp*

417 Spring Avenue
Liberty, MO 64048

As he resides out of state, Mr. Rapp's sworn deposition testimony will be offered. His testimony is about NCPD defendants' coercive and suggestive interrogation of him, and statements they elicited from him.

Paul Rauch

Current address unknown

Offer TT in lieu of live testimony regarding call to police about discovery of Theresa Fusco's body

John Restivo, plaintiff

Mr. Restivo will testify as to liability and damages.

Frida Restivo, c/o NSB

Mrs. Restivo is plaintiff John Restivo's mother and will testify about his van being in her driveway on blocks on November 10, 1984, as well as damages.

Theodore Robinson, Esq.

26 St. Paul's Place
Hempstead, NY 11501

Mr. Robinson represented Mr. Restivo at his criminal trial and post-conviction proceedings and will testify about the interrogation and arrest of Mr. Restivo for the rape and murder of Theresa Fusco, and the pre-trial, trial, and post-conviction proceedings that followed. Mr. Robinson will testify about his knowledge and documentation of the injuries Mr. Restivo suffered after his interrogation by the defendant officers. He will also testify that he was never made aware of the striped jeans/John French lead.

William Rost, Esq.

33 Willis Avenue
Mineola, New York 11501

Mr. Rost will testify concerning facts related to the criminal prosecution of Gregory Brock for the homicide of Joshua Chisolm

Retired Detective Daniel Severin

Mr. Severin will testify concerning the operation of the Homicide Bureau during his tenure within the bureau, his knowledge of the Jose Alberto Cruz murder investigation and prosecution, and his knowledge of other false confession cases within the Nassau County Police Department.

Jack Sharkey, defendant

Dr. Steven Simring

72 Churchill Rd.
Tenafly, NJ 07670

Dr. Simring is a forensic psychiatrist who will testify as to John Restivo's damages.

Frank Sirianni, defendant*

Det. Sirianni will testify as to his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision. As he resides in Florida and his doctor represents that he is unable to fly, his testimony may be offered by way of videotaped deposition pursuant to Rule 32.

Brian Skellington

30 Centre Ave
East Rockaway 11518

Brian Skellington will testify about his knowledge of the NCPD Fusco investigation and his treatment by NCPD investigators.

Debra Smith

1485 Front St. #33
E. Meadow, NY 11554

Ms. Smith will testify about seeing the John French car, reporting what she saw and heard to the NCPD, and the NCPD's investigation of her report, as per her deposition and 1985 statement to the NCPD.

Douglas Smith

Mr. Smith will testify as to his role in the Joshua Chisolm homicide and that Robert Moore was not involved or present at that time.

Harold Smyle

460 Salisbury Park Drive, Apt. 1K
Westbury, New York 11590

Mr. Smyle was a witness at the 1986 Restivo/Halstead trial. He will testify about his knowledge of the operability of the Restivo blue van, his contact with NCPD defendants, and the coercive questioning that induced him to make false statements against Restivo.

Sean Spillane, defendant

Former Lt. Spillane was the commanding officer of the NCPD's Homicide Bureau during the original Fusco investigation. He will testify as to his role in the Fusco investigation, his recommendation that defendants Volpe, Connaughton and Diehl receive a commendation for their work, and his knowledge of NCPD practices, customs, policies, training and supervision.

Andrew Tursi

Current address unknown

Offer TT in lieu of live testimony regarding finding Theresa Fusco's body.

Detective Edwin Trujillo

Detective Trujillo will testify concerning the homicide and prosecution related to the death of Jose Alberto Cruz.

Mary Ann Rosino Vasquez

48 Washington Avenue in Lynbrook, New York.

Ms. Vasquez will testify about seeing Theresa Fusco leave Hot Skates on November 10, 1984 and her interaction with NCPD officers.

Joseph Volpe, defendant (deceased)*

Det. Volpe was the lead detective in the Fusco investigation. His deposition was videotaped and will be offered pursuant to Rule 32. He testified about his role in the Fusco investigation and in other false confession cases including that of Robert Moore, as well as his knowledge of NCPD practices, customs, policies, training and supervision.

Anthony Walsh

Current address unknown

Propose to offer TT from R/H trial. Was an NCCC inmate regarding Steven Dorfman and John Restivo. Testified for the Restivo defense as impeachment of Dorfman.

Harry Waltman, defendant

Det. Waltman will testify as to his role in the Fusco investigation and his knowledge of NCPD practices, customs, policies, training and supervision.

Peter Weinstein, Esq.

42 Nancy Boulevard
Merrick, New York

Mr. Weinstein was the Chief of the Appeals Bureau of the Nassau County District Attorney's Office during the post-conviction litigation of the underlying criminal case. He will testify about the NCPD investigation and the NCDA decision about whether to consent to plaintiffs' motion for a new trial based on DNA exclusions in 1995 and 2003, as per his deposition and 1995 memorandum to then-NCDA Dennis Dillon.

Norcen Wiley

Address Unknown

Mr. Wiley will testify as to John Kogut's alibi on the evening of November 10, 1984 at Atlantic Avenue schoolyard.

Henrietta Williams

45 Rutland Road
Freeport, New York

Ms. Williams will testify concerning her eyewitness observations relative to the assault of Samuel Jones on February 10, 1997.

Charlotte J. Word, Ph.D.

P.O. Box 5207
Gaithersburg, MD 20882

Dr. Word is a DNA expert. She will testify about the forensic evidence and DNA results reported by various laboratories using various techniques, as per her expert report.

John Youngblood, Esq.

New York County Defender Services
225 Broadway Suite 111
New York, New York 10007
(212)803-5160

Mr. Youngblood will testify his assignment to the Moore case from the New York Capital Defenders office and his knowledge about the case including the false confession of Robert Moore and subsequent dismissal of the charges.

Corrections Personnel as Designated by NYS Dept. of Corrections

Custodians of Records, as necessary

Additional witnesses TBA:

TBA, Esq.

Will testify concerning facts related to the criminal prosecution of Jareau Carter for the homicide of Alberto Cruz.

TBA, Esq.

Will testify concerning facts related to the criminal prosecution of Gregory Brock for the homicide of Joshua Chisolm

TBA, Esq.

Will testify concerning facts related to the criminal prosecution of Douglas Smith for the homicide of Joshua Chisolm

TBA, Esq.

Will testify concerning facts related to the criminal prosecution of Adrienne Hudgen for the homicide of Joshua Chisolm.

Defendants' Witness List:²

² * denotes that the witness' deposition testimony will be read and/or played in accordance with FRCP 32.

Detective Thomas Allen

Detective Allen is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide as well as patterns and practices of the Nassau County Police Department in 1984-1986. Det. Allen previously testified in the grand jury investigation regarding the Theresa Fusco homicide, in *People v. Restivo* (1986), in *People v. Kogut* (1986) and in *People v. Kogut* (2005).

Marcello Baez
22 Park Place
Lynbrook, NY 11563

Mr. Baez is expected to testify regarding his discovery of the corpse of Theresa Fusco on December 5, 1984 and subsequent events. Mr. Baez previously testified in *People v. Kogut* (2005).

Robert Baumann
Suffolk County Crime Laboratory
Building 487
North County Complex
Veterans Highway
New City, NY 10956

Mr. Baumann was a serologist for the Nassau County Medical Examiner's Office and is expected to testify regarding forensic evidence obtained from Theresa Fusco's corpse and the autopsy of Theresa Fusco. Mr. Baumann previously testified in *People v. Restivo* (1986) and in *People v. Kogut* (2005).

Detective Edward Beahr

Detective Beahr was a police officer in the Nassau County Police Department in 1985 and is expected to testify regarding forensic evidence relevant to the investigation of the Theresa Fusco homicide as well as patterns and practices of the Nassau County Police Department in 1985. Mr. Beahr previously testified in *People v. Restivo* (1986) and in *People v. Kogut* (2005).

Rochelle Bernstein
Hot Skates
14 Merrick Road
Lynbrook, NY 11563

Mrs. Bernstein is the owner of Hot Skates roller rink located at 14 Merrick Road. Ms. Bernstein is expected to testify regarding Theresa Fusco's behavior prior to her disappearance on November 10, 1984 and the time and circumstances under which Ms.

Fusco was fired and left Hot Skates on November 10, 1984. Ms. Bernstein previously testified in People v. Restivo (1986), in People v. Kogut (1986) and in People v. Kogut (2005).

Detective Wayne Birdsall

Detective Birdsall is a named defendant and is expected to testify regarding forensic evidence relevant to the investigation of the Theresa Fusco homicide as well as patterns and practices of the Nassau County Police Department in 1985. Det. Birdsall previously testified in People v. Restivo (1986), in People v. Kogut (1986) and in People v. Kogut (2005).

Dr. Tamara Bloom

Nassau County Medical Examiner's Office
2251 Hempstead Turnpike, Building R
East Meadow, NY 11554

Dr. Bloom is the chief medical examiner for the Nassau County Medical Examiner's Office and is expected to testify regarding the homicide and autopsy of Theresa Fusco. Dr. Bloom previously testified in People v. Kogut (2005).

Detective Richard Brusa, deceased

Detective Brusa is a named defendant and has previously testified in People v. Restivo (1986) and in People v. Kogut (2005) regarding the investigation of the homicide of Theresa Fusco. Detective Brusa's prior testimony will be offered into evidence as he is unavailable.

Detective Ken Blumgrene

Detective Blumgrene was a Nassau County police officer in 1985 and is expected to testify regarding forensic evidence relevant to the investigation of the Theresa Fusco homicide as well as patterns and practices of the Nassau County Police Department in 1985.

Patricia Braggata

704 Mockingbird Lane
Cuddebackville, NY 12729

Ms. Braggata is the current wife of Dennis Halstead and is expected to testify regarding her visitation of Mr. Halstead while he was incarcerated.

Pasquale Buffolino

Nassau County Medical Examiner's Office
2251 Hempstead Turnpike, Building R
East Meadow, NY 11554

Pasquale Buffolino is the director of forensic genetics for the Nassau

County Medical Examiner's Office and is expected to testify regarding forensic evidence in the investigation of the homicide of Theresa Fusco, including the vaginal swabbing of Theresa Fusco and [other subjects]. Mr. Buffolino previously testified in *People v. Kogut* (2005).

Elizabeth Cagan
1893 Emma Lee Lane
Hanford, CA 93230

Elizabeth Cagan was a customer of Move-Rite Movers and is expected to testify regarding a moving job performed on November 10, 1984 by Move-Rite Movers.

Steven Cagan
739 Paseo Camarillo, Apt. 63
Camarillo, CA 93010

Steven Cagan was a customer of Move-Rite Movers and is expected to testify regarding a moving job performed on November 10, 1984 by Move-Rite Movers.

Dorsha Campbell
18203 Neff Rd
Cleveland OH 44119-2646

Dorsha Campbell was a customer of Move-Rite Movers and is expected to testify regarding a moving job performed on November 24, 1984 by Move-Rite Movers.

Paul Cassell
332 S. 1400 E., Room 101
Salt Lake City, UT 84112

Subject to this Court's *in limine* rulings, Mr. Cassell will testify as an expert in criminal justice issues, specifically police interrogations, false confessions and probable cause determinations.

Michael Cockerel
316 Beach 63 St.
Queens, NY 11692

Michael Cockerel was an associate of the plaintiffs, an employee of John Restivo's and is expected to testify about admissions from John Restivo and Dennis Halstead regarding the homicide of Theresa Fusco, being assaulted by Charles Restivo and being intimidated by Rick Arden and the friends and family of John Restivo. Mr. Cockerel previously testified in the grand jury investigation regarding Theresa Fusco's homicide and in *People v. Restivo* (1986).

Gail Cole
131 Oak Drive

Baiting Hollow, NY 11933

Ms. Cole is expected to testify regarding being interviewed by the Nassau County Police Department in connection with the homicide of Theresa Fusco and frequenting Dennis Halstead's apartment as a teenage girl. Ms. Cole previously testified in the grand jury investigation of the Theresa Fusco homicide.

Police Officer Michael Connaughton

Officer Connaughton is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and patterns and practices of the Nassau County Police Department in 1985. Mr. Connaughton previously testified in *People v. Restivo* (1986), in *People v. Kogut* (1986) and in *People v. Kogut* (2005).

John Considine

49 Hawthorne St.,
Selden, NY 11784

Mr. Considine was a corrections officer at the Nassau County Correctional Center in 1985 and is expected to testify regarding a statement John Kogut wrote and signed and gave to Charles Clink which contained an admission regarding the Theresa Fusco homicide.

Detective Ronald Crowe

Detective Crowe was a Nassau County police officer in 1985 and is expected to testify regarding forensic evidence relevant to the investigation of the Theresa Fusco homicide as well as patterns and practices of the Nassau County Police Department in 1985.

Carol Davies

Address Unknown

Mrs. Davies was a customer of Dennis Halstead's aluminum siding business and is expected to testify regarding Dennis Halstead and John Kogut's behavior while they were working on her home in November of 1984. Ms. Davies previously testified in *People v. Restivo* (1986).

David Devine

9692 Southeast Little Club Way South
Tequesta, FL 33469

Mr. Devine was a cellmate of John Kogut's at the Nassau County Correctional Center and is expected to testify pertaining to a statement John Kogut wrote and signed and gave to Charles Clink which contained an admission regarding the Theresa Fusco homicide.

Detective Robert Dempsey

Detective Robert Dempsey is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and patterns and practices of the Nassau County Police Department in 1985. Det. Dempsey previously testified in *People v. Kogut* (1986) and in *People v. Kogut* (2005).

Police Officer William Diehl

Officer Diehl is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and patterns and practices of the Nassau County Police Department in 1985. Mr. Diehl previously testified in *People v. Restivo* (1986).

Detective George Doherty

Detective Doherty was a Nassau County police detective in 1984 and was assigned to the missing person case of Theresa Fusco. Mr. Doherty is expected to testify regarding his investigation of the disappearance of Theresa Fusco.

Detective Vincent Donnelly

Detective Donnelly is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and patterns and practices of the Nassau County Police Department in 1985.

Stephen Dorfman, deceased

Stephen Dorfman previously testified in *People v. Restivo* (1986) regarding an admission from John Restivo. His prior testimony will be offered into evidence as he is unavailable.

Detective Sergeant Robert Edwards

Detective Sergeant Edwards is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and patterns and practices of the Nassau County Police Department in 1985. Det. Sgt. Edwards previously testified in *People v. Restivo* (1986) and in *People v. Kogut* (2005).

Detective Lieutenant Dennis Farrell

Detective Lieutenant Farrell is a Nassau County police detective and is expected to testify regarding the investigation of the Theresa Fusco homicide from 2002-2005 and patterns and practices of the Nassau County Police Department during this period.

Detective Charles Fraas

Detective Fraas is a named defendant and is expected to testify regarding investigation of the Theresa Fusco homicide and patterns and practices of the Nassau County Police Department in 1985. Det. Fraas previously testified in the grand jury investigation

regarding the Theresa Fusco homicide, in People v. Restivo (1986), in People v. Kogut (1986) and in People v. Kogut (2005).

John French

224 Rolling Street
Malverne, NY 11565

Mr. French is expected to testify regarding the theft and recovery of his automobile in November of 1984, the discovery of a pair of blue jeans in the automobile, his report to the Lynbrook Police Department of the same, his report to the Nassau County Police Department of a possible connection between this theft and the homicide of Theresa Fusco and the Nassau County Police Department's thorough investigation of any connection.

John Fusco

Address Unknown

John Fusco is the brother of Theresa Fusco and is expected to testify regarding her behavior in and around 1984.

Thomas Fusco

93-12 101 Avenue
Queens, NY 11416

Thomas Fusco is the father of Theresa Fusco and is expected to testify regarding Ms. Fusco's behavior in 1984 and her plans for Sunday November 11, 1984.

Lori French Gabberty

2426 Wood Avenue
Bellmore, NY 11710

Mrs. Gabberty is the sister of John French and is expected to testify regarding the theft and recovery of Mr. French's automobile in November of 1984, the discovery of a pair of blue jeans in the automobile, Mr. French's report to the Lynbrook Police Department of same, Mr. French's report to the Nassau County Police Department of a possible connection between this theft and the homicide of Theresa Fusco and the Nassau County Police Department's thorough investigation of any connection.

Howard Garcia

587 Scranton Avenue
Lynbrook, NY 11563

Howard Garcia is expected to testify regarding the discovery of Theresa Fusco's corpse on December 5, 1984 and his reporting the discovery to the police department.

Thomas Gilhooley

Address Unknown

Thomas Gilhooley was as assistant manager at Hot Skates roller rink in November 1984 and is expected to testify regarding Theresa Fusco's behavior in 1984 and the time and circumstances during Ms. Fusco was fired and left Hot Skates on November 10, 1984. Mr. Gilhooley previously testified in *People v. Restivo* (1986), in *People v. Kogut* (1986) and in *People v. Kogut* (2005).

Detective Frederick Goldman

Detective Frederick Goldman is expected to testify regarding the civil investigation of *Kogut v. County of Nassau, et al.*

Tara Gonzalez

Address unknown

Mrs. Gonzalez was present at Hot Skates on November 10, 1984 and is expected to testify regarding her witnessing Theresa Fusco entering a van on that evening. Mrs. Gonzalez previously testified in *People v. Kogut* (2005).

Detective Milton Gruber, deceased

Detective Gruber is a named defendant and has previously testified in *People v. Kogut* (1986) and in *People v. Kogut* (2005) regarding the investigation of the homicide of Theresa Fusco. Detective Gruber's prior testimony will be offered into evidence as he is unavailable.

Carey Guerrero

Employed at Rockville Cemetery
45 Merrick Road
Lynbrook, NY 11563

Carey Guerrero was working at the Rockville Cemetery on March 26, 1985 and is expected to testify regarding John Kogut's description to Nassau County police detectives and officers of where Theresa Fusco was assaulted and murdered on November 10, 1984. Mr. Guerrero previously testified in *People v. Kogut* (2005).

Dennis Halstead

Mr. Halstead is a plaintiff in this action and is expected to testify as to liability and damages.

Thomas Hennenlotter

42 Oakland Ave.
Lynbrook, NY 11563

Thomas Hennenlotter was an associate of the plaintiffs and is expecting to testify

regarding Rick Arden's attempt to alter a statement that Mr. Henenlotter had given to him and the operability of the blue Ford Econoline van in December of 1984.

Detective Robert Hillman

Detective Hillman is expected to testify regarding the civil investigation of Kogut v. County of Nassau, et al.

Chester Johnson
62 Sunrise Highway
Lynbrook, NY 11563

Chester Johnson was an associate of Michael Cockerel and is expected to testify regarding the sanding of John Restivo's blue Ford Econoline van on November 11, 1984.

Lisa Johnson
12 Summerfield Drive
Holtsville, NY 11742

Lisa Johnson was Theresa Fusco's best friend and is expected to testify regarding the jewelry and clothing last worn by Theresa Fusco and her behavior in 1984. Mrs. Johnson previously testified in People v. Restivo (1986), in People v. Kogut (1986) and in People v. Kogut (2005).

Joseph B. Jay Kadane, PhD
Department of Statistics
Carnegie Mellon University
Pittsburgh, PA 15213

Subject to a ruling on defendants' *Daubert* motion to exclude plaintiffs' expert testimony regarding post-mortem root banding, Professor Kadane is expected to testify as an expert on statistics and post-mortem root banding, consistent with his report.

Detective William Kelly

Detective Kelly is expected to testify regarding the blind-eye investigation of the homicide of Theresa Fusco in 2002-2005.

Leo Klein
273 Lexington Ave.
West Babylon, NY 11704

Leo Klein was the vice-president of Prez Tool Rental, Inc. in 1985 and is

expected to testify regarding attempts by John Restivo and Rick Arden to alter dates on receipts for the purchase and rental of tools and materials. Mr. Klein previously testified in the grand jury investigation regarding Theresa Fusco's homicide and in People v. Restivo (1986).

Fred Klein

c/o Michael Sepe, Esq.
11 Clinton Avenue
Rockville Centre, NY 11570

Mr. Klein was the trial prosecutor in People v. Kogut (1986) and People v. Restivo and Halstead (1986). Mr. Klein is expected to testify regarding his prosecutions of these actions, subsequent post-conviction proceedings involving John Kogut, Dennis Halstead and John Restivo and patterns and practices of the Nassau County District Attorney's Office during his career as a NCDA.

John Kogut

Mr. Kogut is a plaintiff in this action and is expected to testify regarding liability and damages.

Detective Anthony Kosior

Detective Kosior is a named defendant and expected to testify regarding polygraph examinations performed in the investigation of the homicide of Theresa Fusco.

Detective Scott Kovar

Detective Kovar is expected to testify regarding the investigation of the homicide of Theresa Fusco in 2002-2005. Detective Kovar previously testified in People v. Kogut (2005).

Detective Michael Kuhn

Detective Michael Kuhn is expected to testify regarding the investigation of the homicide of Theresa Fusco in 2002-2005.

Kim Beyer Kruse

1111 West Summit Place
Chandler, Arizona 85224

Mrs. Kruse is expected to testify regarding frequenting Dennis Halstead's apartment as a teenage girl and her friendship with Theresa Fusco.

Charles Lewis

808 South Cashua Dr.
Florence, South Carolina 29501

Charles Lewis was incarcerated at the Nassau County Correctional Center with John Restivo and is expected to testify regarding an admission made to him by John Restivo regarding Theresa Fusco's homicide.

Kerry Lomando
142 Seville Blvd.
Sayville, NY 11782

Kerry Lomando was a friend of Theresa Fusco's and is expected to testify regarding Ms. Fusco's behavior in 1984 and Ms. Fusco's plans on November 10, 1984. Mrs. Lomando previously testified in People v. Kogut (2005).

Detective Albert Martino

Detective Martino is a named defendant and is expected to testify regarding the investigation of the homicide of Theresa Fusco and patterns and practices of the Nassau County Police Department in 1984-1986. Detective Martino previously testified in People v. Kogut (1986) and in People v. Kogut (2005).

Thomas McBride
112 South Bungalow Dr., Apt A
Tampa, FL 33609

Thomas McBride was incarcerated at the Nassau County Correctional Facility with John Kogut and John Restivo and is expected to testify regarding admissions from both John Restivo and John Kogut regarding Theresa Fusco's homicide. Mr. McBride is expected to testify regarding a conversation he had with Charles Restivo regarding the Theresa Fusco homicide.

Dr. Daniel P. McCarthy, deceased

Dr. McCarthy performed the autopsy of Theresa Fusco and previously testified in the grand jury investigation of the Theresa Fusco homicide, People v. Kogut (1986) and People v. Restivo (1986). Dr. McCarthy's prior testimony will be offered into evidence as he is unavailable.

Honorable Edward McCarty
Nassau County Supreme Court
100 Supreme Court Drive
Mineola, NY 11501

Hon. Edward McCarty was the Nassau County Assistant District Attorney originally assigned subsequent to the arrests of John Kogut, John Restivo and Dennis Halstead and is expected to testify regarding the prosecutions against John Restivo, John Kogut and

Dennis Halstead and the patterns and practices of the Nassau County District Attorney's Office during 1985.

Dr. Terry Melton

Mitotyping Technologies, LLC
2565 Park Center Blvd.
Suite 200
State College, PA 16801

Dr. Melton is expected to testify as an expert regarding the DNA analysis of a sample of Theresa Fusco's hairs and two hair samples recovered from John Restivo's blue Econoline van.

Fred Meyer

131 Fox Hollow Drive
Lanokoa Harbor, NJ 08734

Mr. Meyer is expected to testify as an expert regarding polygraph examinations, the Arther method of polygraph examinations and the polygraph examination of John Kogut performed by Detective Milton Gruber (now deceased).

Glen Mielinis

39 Cambridge Rd.,
Hewlett Point, NY 11518

Glen Mielinis was incarcerated at the Nassau County Correctional Center with John Kogut and is expected to testify regarding an admission from John Kogut regarding the Theresa Fusco homicide.

Detective Joel Mitchell

Detective Mitchell is expected to testify regarding the investigation of the homicide of Theresa Fusco and patterns and practices of the Nassau County Police Department in 1984-1986.

Concetta Napoli

6 Windsor Pl.
Lynbrook, NY 11563

Concetta Napoli is the mother of Theresa Fusco and is expected to testify regarding her daughter's behavior in 1984, her daughter's clothing and jewelry and her daughter's plans for the weekend of November 10, 1984. Ms. Napoli previously testified in People v. Restivo (1986), in People v. Kogut (1986) and in People v. Kogut (2005).

Samuel Newsome, deceased

Samuel Newsome previously testified in People v. Restivo (1986) regarding an admission from Dennis Halstead. His testimony will be offered into evidence as he is unavailable.

Regina Furman Nezomoudeen

2811 Riverside Drive
Wantagh, NY 11793

Mrs. Nezomoudeen is expected to testify regarding frequenting Dennis Halstead's apartment as a teenage girl and her friendship with Theresa Fusco.

Joanne Egington Nitti

153 Awin Circle Southeast
Palm Bay, FL 32909

Mrs. Nitti is the former girlfriend of John Restivo, mother of his child and is the estranged wife of John Nitti. Mrs. Nitti is expected to testify regarding John Restivo's behavior in 1984 and 1985, the extent of any injuries suffered by John Restivo in March of 1985, an admission from John Restivo regarding the whereabouts of Theresa Fusco's corpse, information known to Harold and Linda Smyle regarding the homicide of Theresa Fusco and John Restivo's behavior and the physical abuse she suffered at the hands of John Restivo. She previously testified at the grand jury investigation regarding Theresa Fusco's homicide, in People v. Restivo (1986) and in People v. Kogut (2005).

John Nitti

3042 Chica Circle
West Melbourne, FL 32904

John Nitti was an associate of John Restivo's and Dennis Halstead's and is the estranged husband of Joanne Nitti. Mr. Nitti is likely to testify regarding an admission from John Restivo regarding the whereabouts of Theresa Fusco's corpse, threats from the friends and family of John Restivo, the operability of the blue Ford Econoline van in November of 1984 and the behavior of Dennis Halstead before his incarceration.

Brian O'Hanlon

234 Ocean Ave.
Lynbrook, NY 11563

Brian O'Hanlon was an associate of Dennis Halstead's prior to his incarceration and is expected to testify regarding an admission made by Dennis Halstead regarding the Theresa Fusco homicide. Mr. O'Hanlon previously testified in People v. Restivo (1986)

Carrie O'Hanlon

105 Seneca Rd.
Brightwaters, NY 11718

Carrie O'Hanlon is the estranged wife of Brian O'Hanlon and is an

associate of Dennis Halstead's. Mrs. O'Hanlon is expected to testify regarding an admission from Dennis Halstead regarding the Theresa Fusco homicide. Ms. O'Hanlon previously testified in *People v. Restivo* (1986).

Detective Michael O'Leary

Detective O'Leary is expected to testify regarding the investigation of the homicide of Theresa Fusco in 2002-2005.

Lieutenant John Overs

Lynbrook Police Department
1 Columbus Drive
Lynbrook, NY 11563

Lieutenant John Overs was a sergeant in the Lynbrook police department in 1984 and is expected to testify regarding his response to the call informing the Lynbrook police of the discovery of Theresa Fusco's corpse. Lt. Overs previously testified in *People v. Restivo* (1986), in *People v. Kogut* (1986) and in *People v. Kogut* (2005).

James Pearson

28 Grant Avenue
East Rockaway, NY 11518

James Pearson was the boyfriend of Debra Smith in 1984 and 1985 and is expected to testify regarding Ms. Smith's statements to Nassau County police detectives.

Honorable George R. Peck

Nassau County Court
262 Old Country Road
Mineola, NY 11501

Judge Peck was a Nassau County Assistant District Attorney in 1985 and is expected to testify regarding John Kogut's videotaped confession on March 26, 1985. Judge Peck testified in *People v. Kogut* (1986) and in *People v. Kogut* (2005).

Walter Poppe

Address Unknown

Walter Poppe was a forensic photographer for the Nassau County Medical Examiner's Office in December of 1984 and is expected to testify regarding photographs taken during the autopsy of Theresa Fusco on December 6, 1984. Mr. Poppe previously testified in *People v. Kogut* (2005).

Joan Prisco

Address Unknown

Joan Prisco was an acquaintance of Theresa Fusco's and is expected to testify regarding seeing Theresa Fusco leave Hot Skates on November 10, 1984. Mrs. Prisco previously testified in People v. Kogut (1986).

David Rapp *
417 Spring Avenue
Liberty, MO 64048

As Mr. Rapp resides out of state, his deposition testimony will be offered per Rule 32 of the Federal Rules of Civil Procedure.

Walter Rapp
172 Oxhead Rd.
Centerreach, NY 11720

Walter Rapp is the cousin of Carl Pozzini and was an associate of John Restivo's prior to his incarceration. Mr. Rapp is expected to testify regarding his knowledge of a conversation between John Restivo and David Rapp regarding the Theresa Fusco homicide. Mr. Rapp previously testified in the grand jury investigation regarding the Theresa Fusco homicide.

Paul Rauch
Address Unknown

Paul Rauch is expected to testify regarding his discovery of Theresa Fusco's corpse on December 5, 1984. Mr. Rauch previously testified in People v. Restivo (1986), in People v. Kogut (1986) and People v. Kogut (2005).

John Restivo

John Restivo is a plaintiff in this action and is expected to testify as to liability and damages.

Alex Sapounas
Address Unknown

Alex Sapounas was an associate of John Kogut's and was incarcerated at the Nassau County Correctional Facility with Dennis Halstead. Mr. Sapounas is expected to testify regarding John Kogut's drug use before his incarceration and Dennis Halstead's admission regarding the Theresa Fusco homicide.

Detective Vito Schiraldi

Detective Schiraldi is a Nassau County police detective and is expected to testify regarding forensic evidence relevant to the investigation of the Theresa Fusco homicide. Det. Schiraldi previously testified in People v. Kogut (2005).

Cheryl Schneider
6327 Critten Road
Hornell, NY 14843

Cheryl Schneider is the sister of Donna Schneider, Charles Restivo's girlfriend in 1985-1986. Ms. Schneider was also an associate of the plaintiffs and lived in John Restivo's blue Ford Econoline van while she was homeless. Ms. Schneider is expected to testify regarding Dennis Halstead threatening her for sexual relations, John Kogut forcibly engaging in sexual contact with her and drug use by the plaintiffs, all before their incarcerations. Ms. Schneider previously testified at the grand jury investigation of the Theresa Fusco homicide.

Josephine Cathy Sciarba
27 Park Place
Apt. 2
Lynbrook, NY 11563

Josephine Cathy Sciarba was the girlfriend of Robert Eisemann, an associate of Brian and Keith Skellington, John Kogut and Dennis Halstead. Ms. Sciarba is expected to testify regarding John Kogut meeting Theresa Fusco at her apartment in 1985.

Detective Jack Sharkey

Detective Sharkey is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and the patterns and practices of the Nassau County Police Department in 1985.

Detective Frank Sirianni*

Detective Sirianni is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and the patterns and practices of the Nassau County Police Department in 1985. Det. Sirianni previously testified in *People v. Kogut* (1986) and in *People v. Kogut* (2005). In the event that Det. Sirianni is unable to attend trial (per his doctor's orders), his deposition testimony will be offered per Rule 32 of the Federal Rules of Civil Procedure. In addition, his trial testimony will be offered as he is unavailable.

David Skellington
41 Central Ave.
Valley Stream, NY 11580

David Skellington was an associate of the plaintiffs and the uncle of Brian Skellington, who lived with John Kogut. Mr. Skellington is expected to testify regarding the drug use of the plaintiffs before their incarcerations. Mr. Skellington previously testified at the grand jury investigation of the Theresa Fusco homicide.

Debra Smith

1485 Front Street, #33
East Meadow, NY 11554

Ms. Smith is expected to testify regarding the vehicle she viewed near the Lynbrook train station, her investigation and subsequent report to the Nassau County police department.

Harold Smyle
460 Salisbury Park Drive
Building 1, Apt 1K
Westbury, NY 11590

Harold Smyle was an associate and employee of John Restivo's and married to Linda Smyle, Joann Egington Nitti's cousin. Mr. Smyle is expected to testify regarding admissions made by John Restivo regarding the homicide of Theresa Fusco, information shared between Linda Smyle, Joann Egington Nitti and himself regarding the homicide of Theresa Fusco and John Restivo's behavior and physical abuse suffered by Joann Egington at the hands of John Restivo. Mr. Smyle previously testified in the grand jury investigation of the homicide of Theresa Fusco and People v. Restivo (1986).

Detective Lieutenant Shaun Spillane

Detective Lieutenant Spillane is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and the patterns and practices of the Nassau County Police Department in 1985.

Dr. Elizabeth Spratt
Director of Toxicology
Westchester County Department of Laboratories and Research
2 Dana Road
Valhalla, NY 10595

Dr. Elizabeth Spratt is the director of toxicology of Westchester County Department of Laboratories and Research and is expected to testify regarding the effects of illicit drugs on the human body. Dr. Spratt previously testified in People v. Kogut (2005).

Dr. Mark Taff
Nassau County Medical Examiner's Office
2251 Hempstead Turnpike, Building R
East Meadow, NY 11554

Dr. Taff was a deputy Nassau County Medical Examiner in 1984 and is expected to testify regarding the completion of the Report of Death for Theresa Fusco.

Angelo Talierco
21 Dianne Place
Port Jervis, NY 12771

Angelo Talierico was an associate of John Kogut and is the brother of Peter Talierico, who was an associate of John Kogut and Dennis Halstead. Mr. Talierico is expected to testify regarding a conversation he had with John Kogut at the Twin Harps bar regarding the Theresa Fusco homicide.

Joseph Taylor

Address Unknown

Joseph Taylor was an investigator in the security department of the New York Telephone Company. Mr. Taylor is expected to testify regarding the toll records for Harold Hanlon's telephone in January of 1986. If the event that Mr. Taylor is unavailable, defendants will offer an alternate phone company representative as custodian of these records.

Eileen Tosner

Address Unknown

Eileen Tosner was a friend of Theresa Fusco's and is expected to testify regarding a conversation she had with Harold Smyle on January 20, 1985 regarding the Theresa Fusco homicide.

Detective Federico Trillo

Detective Trillo is expected to testify regarding the blind-eye investigation of the homicide of Theresa Fusco in 2002-2005.

Andrew Tursi

21 Park Place
Lynbrook, NY 11563

Andrew Tursi is expected to testify regarding his discovery of the corpse of Theresa Fusco on December 5, 1984. Mr. Tursi previously testified in *People v. Restivo* (1986) and in *People v. Kogut* (1986).

Detective Joseph Volpe, deceased*

Detective Volpe is a named defendant and was the lead detective assigned to the Theresa Fusco homicide. Det. Volpe previously testified in the grand jury investigation of the Theresa Fusco homicide, *People v. Kogut* (1986) and *People v. Kogut* (2005). His deposition testimony will be offered in evidence per Rule 32 of the Federal Rules of Civil Procedure. In addition, his grand jury and trial testimony will be offered as he is unavailable.

Detective Harry Waltman

Detective Waltman is a named defendant and is expected to testify regarding the investigation of the Theresa Fusco homicide and the patterns and practices of the Nassau County Police Department in 1984-1986. Det. Waltman testified in *People v. Restivo* (1986), *People v. Kogut* (1986) and *People v. Kogut* (2005).

Detective [need first name] Walsh

Detective Walsh is expected to testify regarding the investigation of the Theresa Fusco homicide patterns and practices of the Nassau County Police Department in 1984-1986.

Peter Weinstein, Esq
10 West Broadway
Apt. 3D
Long Beach, NY 11561

Peter Weinstein was the Chief of the Appeals Bureau of the Nassau County District Attorney's Office and is expected to testify regarding the post-conviction litigation of the plaintiffs.

Dr. Charles Welti
Address Unknown

Dr. Charles Welti is a consultant in forensic pathology and is expected to testify regarding the ligature strangulation of Theresa Fusco. Dr. Welti testified in *People v. Kogut* (2005).

9. **Rule 32 Designations and Objections:**

Plaintiffs designate the following deposition testimony, subject to redaction pending rulings on *in limine* motions and objections:

Frank Meyers deposition (videotaped, deceased):

Direct: 7:1-33:2
Cross: 42:21-44:21, 52:12-15, 64:18-65:17

David Rapp deposition (Resides in Missouri):

Direct: 4:5-16, 4:24-11:3, 11:8-32:4, 32:17-41:22

Defendant Joseph Volpe (deceased):

1st dep. Videotaped (1/26/09): 24:9-77:25

2nd dep. (3/5/09): 88:23-96:14, 98:8-158:8

* To be read, not shown by video, to redact references to Kelly and Iris Morrissey (at 113:21, 114:12, 118:14, 118:25, 119:5-12, 120:8-14, 120:24, 127:15, 148:22, 149:13) pursuant to plaintiffs' motion *in limine*.

3rd dep. Videotaped (3/18/09): 166-172:15, 173:4-194:1, 197:21-226:6

4th dep. Videotaped (4/6/09): 235:18-239:3, 240:255:2-291:9, 291:25-308:12.

5th dep. Videotaped (5/4/09): 317:12-338:15, 340:8-372:21, 373:15-395:4

6th dep. (11/24/09): 413:17-420:16, 421:2-460:14, 461:21-466:7, 469:13-479:11, 483:5-488:6

* To be read rather than shown on video to redact references to Kelly Morrissey (466-469:12) as per plaintiffs' motion *in limine*

7th dep. Videotaped (12/2/09): 6:16-34:15, 37:6-40:16, 41:12-47:25, 48:21-62:21, 63:25-70:19, 71:10-84:12, 86:13-104:16, 104:20-115:4 [excluding speaking objections]; 117:4-125:24, 127:4-128:13, 129:12-19, 131:20-135:20

8th dep. Videotaped (11/19/10):

Direct: 135:14-156:6, 157:15-158:16, 158:22-204:3, 205:8-206:3, 206:12-239:24, 241:8-256:11, 260:4-266:4

Cross: 266-276

Defendant Frank Sirianni depositions (out of state, medical condition prevents travel):

1st dep. Videotaped (6/15/10):

Cornwall: beginning-7:25, 9:10-20, 12:14-17:2, 17:20-77:1, 79:5-100:9, 102:9-25, 105:9-106:3, 107:3-133:17, 134:22-152:18, 153:11-154:20, 155:4-158:2, 158:3-164:9

* To be read rather than shown on video to redact references to Kelly Morrissey (76, 121) & polygraph (81-89, 91, 97) as per plaintiffs' motion *in limine*

Grandinette: 165:3-225:3, 226:2-14, 227:6-229:8, 229:16-235:22, 236:9-248:25, 249:10-253:23, 255:11-261:25, 262:1-3, 263:3-266:17

2nd dep. Videotaped (12/13-14/11):

Cornwall: 390:1-23, 395:22-401:24, 403:23-405:23, 406:22-410:13, 411:2-425:20, 426:20-431:7, 431:23-437:20, 437:25-443:3
[Redacted of references to Kelly Morrissey and Jacqueline Martarella at 425]

Casteleiro: 443:6-460:15, 461:1-475:9

Freeman: 476:12-477:8

Defendants designate the following deposition testimony:

Specific deposition designations to be added

Defendants' will use the deposition testimony of Detective Joseph Volpe, Detective Frank Sirianni and David Rapp, as denoted in footnote 1.

10. **Exhibits and Objections:**

Plaintiffs offer the following Exhibits subject to the agreement as per D.E. 291, the Freeman letter, that the parties will exchange rebuttal material by 8/20 and file an amended Joint Pretrial Order including all exhibits, including impeachment and rebuttal, on 8/27. The Amended JPTO will indicate whether admission has been stipulated, or, if defendants object, the basis for the objection,.

Plaintiffs' Exhibits:*

**To be redacted or cut consistent with rulings on plaintiffs' in limine motions;*
plaintiffs do not waive objections to any exhibits on this list. Exhibits in strikeout indicate documents identified as deposition exhibits but not offered as trial exhibits.

Plaintiffs request that defendants make all original exhibits and physical evidence from the underlying criminal trials, and police documents, available for use at trial.

<u>Ex. #</u>	<u>Description</u>	<u>Stipulated</u>	<u>Defense Objection</u>
1	Fraas Report (NC13084-87)		
2	3/26/1985 Blotter (NC10725-27)		
3	Fraas transcript - R/H trial 1986 (1139, 1206-1290)		
4	Fraas Transcript - Kogut retrial 2005 (CM2095, CM2151-CM2251)		
5	Fraas Transcript - Kogut trial 1986 (Vol III of IV Cover, 649-686A)		
6	Fraas Employee Work Record (NC037322-23)		
7	Binder of Diehl documents		
8	Kogut polygraph (NC000401-406)		
8A	Highlighted Polygraph Examination Question Sheet of J. Kogut		
9	Kogut alibi investigation at theater (NC13807, NC13882, NC13883, NC025378)		

10	Allen interview: Connie Napoli (NC026539-45)		
11	Dennis Halstead Lead Sheet (NC022820-21)		
12	4/23/85 Call (NC020290)		
13	Volpe/Allen 5/4/85 statement of David Rapp (NC029607-9)		
14	4/19/85 Statement of Kenneth Cockeral (NC020065-67)		
14-A	4/19/85 Statement of Kenneth Cockeral (IP0662-664)		
15	4/19/85 Form 79: Kenneth Cockeral (NC020079)		
16	Grand Jury Tr.: Thomas Allen (B3536-42)		
17	Polygraph Exam Card: Kenneth Cockeral (NC000516-17)		
18	NCPD General Guidelines for Taking Statements (NC000149-153)		
19*	Polygraph Exam Card: Paul Bastian (NC028132)		
20*	Polygraph Exam Card: Benjamin Langdon (NC028168)		

Ex. #	Description	Stipulated	Defense Objection
21*	Polygraph Exam Card: Brian Reed (NC028189)		
22*	Polygraph Exam Card: Richard Brown (NC028137)		
23*	Polygraph Exam Card: John Laing (NC028169)		
24*	Polygraph Exam Card: John Fusco(NC28149)		
25*	Polygraph Exam Card: Brian Skellington (NC028195-96)		
26*	Polygraph Exam Card: Michael Backman (NC028128-NC028129)		
27*	Polygraph Exam Card: Jeremiah Breen (NC028133)		
28	Polygraph Exam Card: Brian O'Hanlon (NC028179)		
29	Crime Scene Roll Call		
30	Lead Sheet: Donna Irving (NC023355)		
31	Statement: Carl Pozzini (NC13717-18)		
32	Notes: Michael Backman (NC019225-32)		
33	Interview: Paul Lampasona (NC018314)		
34	Lead Sheet: Brian Skellington (NC18357-8)		
35	Lead Sheet: John Caputo (NC024905)		
36	Lead Sheet: Dawn Nese (NC024928)		
37	Lead Sheet: Charles Collura (NC024724)		
38	Lead Sheet: Gavin Loyer (NC020869)		
39	Lead Sheet: Dennis Acker (NC020856-57)		
40	Lead Sheet: James Hensley (NC024834)		
41	Lead Sheet: Keran Ferrara (NC025379)		
42	Lead Sheet: Renee Benedetto (NC024804-5)		
43	Interview: Eileen McGovern (NC024788-9)		
44-A	Overs, Tursi, & Baez statements (Kogut Retrial Rosario #43, #36, #41) (CM4604, CM4588, CM4599)		
45	Crime Scene Photograph		
45-A	Volpe DD report 11/25/94 (CM4390)		
46	missing person's report 11/11/84 filed by Connie Napoli (duplicates PX 61)		
48	map of Lynbrook		
49	crime scene photo log and all photographs identified (JK '86 Trial Exs. 49-1 to 49-129)		
50	photos - examples of property recovered		
51	photos of TF at crime scene (3 pages)		

Ex. #	Description	Stipulated	Defense Objection
52	SIB receipts, property from crime scene (3 pages 12/6/84, #1, 2 & 4) (B09327, IP7211, NC000299)		
54	12/5/84 Fusco death report by Dr. Green		
55	TF SIB receipt - blood and hair		
56	autopsy report (NC017513-NC017525)		
57	Handwritten confession signed by Kogut 3/26/85 (duplicates PX63)		
58	interview notes Lisa Kaplan, typed by Volpe, lead sheets, Alger/Sharkey interview notes (Kogut retrial Rosario 14, 11, 12, 10, 13) (CM4527, CM4516-CM4519)		
59&59A	12/7/84 Teletype alarm sheets re Fusco jewelry, clothes		
60	typed notes of Concetta Napoli interview (typed version of PX10) (CM4563-CM4565)		
61	missing persons report filed by Connie Napoli (duplicates PX46)		
62	Doherty 11/11/84 Missing Person's report		
63	Handwritten confession signed by Kogut (duplicates PX57)		
64	Miranda rights card signed by Kogut		
65	Volpe notes - 3/21/85		
66	Volpe notes 3/26/85 JK		
67	Farrell supervision course certificate (NC036864)		
68	12/4/01 OCME DNA report (IP1721-IP1724)		
69	Vacatur stipulation (B07486-B07488)		
70	Peter Weinstein Affirmation (B07494-500)		
71	12/29/05 Dismissal Hearing transcript (IP1569-IP1580)		
72	Postconviction correspondence between NCPD/IP/Pace/Wilmer Hale (IP5053-5, NC018400-1, NC12089-91, NC018409, NC018411-3, IP5248-50, NC018417, NC018432, NC018434, NC018449, NC12010-11, NC12008-09, NC12001-07)		
73	Reinvestigation supplement report (O'Leary/Kuhn)		
74	1/5/04 Farrell travel request (NC025577-78)		
75	NCPD list of DNA exclusions (NC11619)		
76	Kuhn Inmate informant letter (NC018414)		

Ex. #	Description	Stipulated	Defense Objection
77	Carl Macedonio documents (NC025517, NC025514, IP9276-77, NC018468)		
78	Michael Backman 4/3/85 typed statement (NC018282)		
79	Michael Backman polygraph cards 4/3/85, 4/18/85, 4/18/85 examination question sheet (NC028126-29, NC019235)		
80	1/28/03 Farrell travel request (NC018451)		
81	11/25/02 Farrell travel request (NC018410)		
82	4/3/85 typed notes of Michael Backman interview (NC019183, NC019167-69)		
83	4/13/05 press releases by NCPD, NCDA re videotaping interrogations (NC000209, NC000206)		
84	1/16/09 Newsday report: NCPD to videotape homicide & serious robbery interrogations		
85	Gruber polygraph exam sheet for Kogut		
86	Form 79: Michael Cockeral, 3/15/1985 (NC020086)		
87	Kuhn Fax with Michael Connaughton notes (NC032772-94)		
88	Nitti, 4/1/1985 (NC032642-43)		
89	Vacatur Order (IP1733-34)		
90	M. Goergis, 8/22/1985 (NC030328)		
91	Lisa Cagan, 5/1/1995 (NC13821-NC13822)		
92	Steve Cagan, 5/1/1995 (NC13818-NC13820)		
93	Arden Statement, 11/22/85 (IP0761-IP0763)		
94	Connaughton Notes re Leo Klein (NC033025)		
95	Connaughton notes re David Skellington (NC033026)		
96	4/2/1986 Handwritten Dorfman Statement (NC11872-74)		
97	Typed Statement Steven Dorfman, 4/2/1986 (NC018298-99)		
98	Steven Dorfman Statement, 6/25/1986 (NC13541-44)		
99	Steven Dorfman, Buckholz Transcript (TR000516-17)		

Ex. #	Description	Stipulated	Defense Objection
100	7/7/1986 Steven Dorfman plea minutes (B03690-B03708)		
101	2/27/1987F. Klein Letter re: Dorfman (TR0003130)		
102	5/12/1986 Typed Patrick Proctor Statement (NC018336)		
103	Connaughton handwritten notes re: Proctor, 5/7/1986 (NC028351-52)		
104	Volpe notes in DA's office, 5/12/1986 (NC028353-NC028357)		
105	Birdsall Training Record (NC000054-56)		
106	Birdsall, Kogut Retrial Transcript (CM1946, CM2030-CM2147)		
107	McCarthy Autopsy Report, 12/6/84 (NC14557-65)		
108	Birdsall Report, 12/6/84 (NC13088-94)		
109	Birdsall, R/H 1986 trial transcript (1154, 1175-1220)		
110	Van Photos (NC12312-13)		
111	Search Warrant for Van, Order, Affidavit with Exhibit (NC10728-40)		
112	3/26/86 Crime Scene Search Unit Receipt (NC13067-NC13068)		
113	Spillane Training Record (NC60004-66)		
114	R/H Article 78 Petition Affirmation (NC14232-NC14235)		
115	Rozzi Letter to Robinson (3/28/85) (NC14237)		
116	Robinson Letter to Spillane (2/13/86) (NC14113-14)		
117	Article "Man Held in Rape-Murder of Teen" (IP7663)		
118	Article "Slaying Suspect, Friends Probed in Village Rapes" (NC026584)		
119	Article "Killer Gang Prowls L.I. for Victims" (NC026589)		
120	Article "Hunt a Van Gang in LI Teen Killings" (NC026609)		
121	Article "2 More Arrests in Teen Murder" (B06070)		
122*	Kosior Training Record (NC000059-61)		
123*	Goutink Polygraph Worksheet: Matt Wilson (NC12548-NC12549)		

Ex. #	Description	Stipulated	Defense Objection
124	Kogut Polygraph Materials (NC000404, NC12543-46, NC12535-36, NC000401, NC12550, NC12533, NC12517-32)		
125	NCPD Polygraph Examinations Policy (NC000168-NC000170)		
126*	Polygraph Cards by Goutink, Gruber (NC028200, NC12548-49, NC028162, NC028168, NC028188, NC028137, NC028169, NC028148, NC028173, NC028142-43, NC000515, NC028126-27, NC019213, NC023896, NC023895, NC028128-29, NC019198, NC019235, NC028146-NC028147, NC028193-NC028194, NC14539-NC14540)		
127*	Polygraph Cards by Kosior (NC028132, NC008108, NC008069, NC008118, NC028134, NC008112-13, NC029501-5, NC029499-500, NC008116-7, NC008094, NC000516-17, NC008102, NC008106, NC028182)		
128*	Restivo Polygraph Materials (NC000416, NC11806, NC028731-34, NC11803-04)		
129	Dempsey's Training Record (NC000044)		
130	Restivo Form 79, 3/6/85 at 0350 hrs. (NC000277)		
131	Dempsey's Notes from 3/5/85 (NC13332-NC13334)		
132	Sharkey's Notes from 3/6/85 (NC13319-NC13322)		
133	Form 79 at 1430 for JR, 3/6/85 (NC13352)		
134	Homicide Bureau Blotter Entries 3/5, 3/6, 3/25, 3/26		
135	NCPD General Order - Notification of Rights, 2/15/84 (NC000154-NC000155)		
136	3/6/85 Volpe handwritten statement signed by Restivo (NC000379-NC000380)		
137	Waltman 12/6/84 Report (NC14218)		
138	Hair Invoice, 3/2/87 (NC017548)		
139	Article "Detective Told to Tighten Belts" (B06078)		

Ex. #	Description	Stipulated	Defense Objection
140	NPCD Blotter entries 1986: Island Inn (NC019460, NC019464)		
141	Waltman Notes re: B. O'Hanlon, 9/12/85 (NC026882-NC026886)		
142	Lane Notes re: B O'Hanlon, 9/12/1985 (NC026889-NC026890)		
143	Waltman B. O'Hanlon Statement, 9/12/1985 (NC13662-NC13663)		
144	Typed B. O'Hanlon Statement, 9/12/1985 (NC000902)		
145	Sharkey Training Record (NC000057)		
146	Sharkey Notes (NC032740-NC023747)		
147	Foodtown Lead Sheets (NC024702, NC025395-96, NC018741, NC018763)		
148	Missing Persons Supplementary Report, Last Page, Notification to Mother (NC14192)		
149	Hand-drawn Map (NC11904)		
150	Robert Martini Interview Notes		
151	Langdon Lead Sheet and Extended Notes (NC024791-NC024794)		
152	Aerial Photo – Kogut '86 trial Ex. 37		
153	Photo: Hot Skates, Kogut '86 trial Ex. 74		
154	mounted autopsy photo of ligature marks		
155	mounted photo - body under pallets		
157	Eavesdropping Warrant & Affidavits, 3/29/85 (NC009436-462)		
158	Debbie Smith Lead Sheet, 12/9/84 (NC024707-NC024708)		
159	Debbie Smith Statement, 12/9/84 (NC024709-NC024711)		
160	Debbie Smith--Mitchell Notes, 12/11/84 (NC024712)		
161	John French--Sirianni Notes, 12/6/84 (NC029663)		
162	John French Loss from Car Notes (NC029642)		
163	John French Statement (NC029655)		
164	List of people who were in French's car (NC002200, NC002299, NC002202)		
165	LFU Vehicle Processing Worksheet & related documents (CM4763-64, CM4750-52, CM4765-66, NC002994)		

Ex. #	Description	Stipulated	Defense Objection
166	French Stolen & Recovered Car Reports (NC002213, NC002211, NC002214)		
167	Crime Scene Search Unit Photos: French Car (CM4619)		
168	Theresa Fusco Missing Poster (NC021939)		
169	Photos of French's car		
170	Map, with French/Smith details		
170A	Map, marked by Debbie Smith		
171	J. Volpe Handwritten Notes (NC001208)		
172	Large map with Google directions		
173	Chart of facts known to Volpe		
174	Newspaper article: "Missing Teen Girl's Body Found" (NC026607, -21, -57)		
175	Volpe Notes of Restivo interrogation (NC13335-NC13336)		
176	Volpe Notes of Restivo interrogation: 2350 (NC11817-NC11818)		
177	Typed version of statement Restivo signed		
178	Volpe Affidavit for Eavesdropping Warrant Application (NC000611-NC000621)		
178-A	8-page Detective Division Report of Napoli Interview		
179	Det. Mitchell's Interview of Thomas Gilhooley		
180	Lead Sheet of Joan Lenahan		
181	Joan Lenahan Trial Testimony		
182	Excerpt Connie Napoli's Trial Testimony		
183	Photograph of jean jacket		
184	Spillane Commendation Letter, 11/27/85 (NC038841-NC038844)		
185	Retyped Version of PX184		
186	Newsday 12/26/86, "Homicide Squad Chief Being Shifted"		
187	Dempsey 2005 Kogut retrial transcript		
188	Volpe 2005 Kogut retrial transcript		
189	Tosner 1/22/85 Lead Sheet (NC029839)		
190	Smyle Lead Sheet 3/5/85 (NC10101-04)		
191	Perrino handwritten Smyle notes 3/5/85 (NC10109-NC10115)		
192	Smyle Form 79 3/5/85 (NC029517)		
193	Typed Smyle Notes 3/5/85 (NC000253-55)		

Ex. #	Description	Stipulated	Defense Objection
194	Strangled Rumor Lead Sheets (NC018365, NC009204-05, NC002539, NC002538, NC007861, NC021582)		
195	3/7/85 Smyle Statement by Sirianni (NC029525-27)		
196	2/27/85 Joann Eginton Interview (NC11824-26)		
197	Smyle R/H Grand Jury transcript (NC039527-34)		
198	3/27/85 Handwritten Smyle Statement (NC029522-24, NC029520-21)		
199	3/27/85 Typed Smyle Statement (NC000256-NC000257)		
200	3/15/85 Perrino Michael Cockeral Statement (NC13444-NC13446)		
201	3/15/85 Perrino Michael Cockeral Notes (NC020142-NC020143)		
202	3/15/85 Form 79 Michael Cockeral (NC020181)		
203	4/2/85 Michael Cockeral Interview Notes (NC020129-131)		
204	4/2/85 Michael Cockeral Polygraph (NC000513-14)		
205	4/2/85 Handwritten M. Cockeral Statement (NC020112-13)		
206	4/2/85 Typed Michael Cockeral Statement (NC020163-64)		
207	4/2/85 Form 79 Michael Cockeral (NC000495)		
208	6/10/85 Kenneth Cockeral Statement (NC13835)		
209	4/19/85 Kenneth Cockeral Statement (NC13829-31)		
210	Kenneth Cockeral R/H Grand Jury transcript		
211	Michael Cockeral R/H Grand Jury transcript		
212 - Rapp	Subpoena for David Rapp from NSB		
213 - Rapp	2003 Affidavit of David Rapp (IP6377-9)		
214 Rapp	Statement of Carl Pozzini (NC018335)		
215 Rapp	R/H Trial Testimony of Carl Pozzini		

Ex. #	Description	Stipulated	Defense Objection
216	Grand Jury Testimony of Carl Pozzini		
217	Photo of Volpe at 3/5/09 Deposition		
218	May 3, 1985 handwritten notes (NC043093-5)		
219	Polygraph Examination Card: David Rapp (NC005983-4)		
220	May 4, 1985 Statement of David Rapp (NC007930-2)		
221-A	Unredacted David Rapp Form 79		
222	Photograph of Restivo van (NC12787)		
223	Photograph of Restivo van		
224	Photograph of Restivo van		
225	Photograph of Restivo van		
226-Volpe	Volpe notes of Kogut interrogation, 3/25-3/26/85 (duplicates PX66)		
227-JPV	Robert Moore Binder		
227-FK	Brian O'Hanlon's R/H Trial Testimony		
228-FK	Brian O'Hanlon's Statement		
229*	Brian O'Hanlon Polygraph Examination Card (NC026952-53)		
230	Vincent Crawford letter to Dillon (NC020385-86)		
231	Document from Steven Dorfman's Case File (NC037129)		
232	Typed Version of Kenneth Cockeral's Statement (NC000903-04)		
233	Kenneth Cockeral 5/16/85 Statement to Arden (B03559-60)		
234	Kenneth Cockeral's 1 st R/H GJ Testimony (B03494-538)		
235	Kenneth Cockeral's 2 nd GJ Testimony (B03543-48, IP5581-85)		
236	Progress Report signed by McCarty dated 04/19/85 (B05083)		
237	Progress Report signed by McCarty dated 04/17/85 (B05079-80)		
238	Transcript of Kogut Acquittal Verdict 12/21/05 (CM0576, CM715-717)		
239	Murder Book table of contents (NC017375-NC017376)		
240	Index of Boxes (NC018675-NC018680)		

Ex. #	Description	Stipulated	Defense Objection
241	Macedonio Package of Documents (NC11217-20, NC025577-78, NC12278-79, NC017472, NC025508-09, NC025514, NC018468)		
242	Excerpt from Macedonio Brief (NC11221 NC11238)		
243	Shonnard Lee Binder		
243-A	False Confessions article from S. Lee binder		
244-PW	Timeline		
245	Restivo appeal, Respondent's brief (IP1889-IP1961)		
246	Harry Smyle R/H Trial Testimony (508-673)		
247	3/15/95 Weinstein/ Whitney Memo (NC033667-NC033703)		
248	O'Leary notebook		
249	D. Rapp arrest report 6/29/04		
250	Statement of Anibal Martinez		
251	Various: Jarreu Carter Statements, Articles, Transcript		
252	Trujillo depo excerpt, Martinez action		
253	<i>Martinez v Nassau County</i> , Complaint		
254	Martinez statement translated		
255	"No Thank You" note, subpoena, check		
256	2/1/11 DLC letter to K. Cockerel re: returned subpoena		
257	"Learn the word no" letter, K. Cockerel		
259	3/21/95 Volpe DNA consent from Matt Wilson (NOT DEP EX) (NC030387)		
260	12/7/95 Volpe letter to AUSA/EDNY re Roger Offner cooperation (NC026866-88) (NOT DEP EX)		
261	6/3/97 SIB Receipt from Volpe (NC5992) (NOT DEP EX)		
262	11/12/97 Memo to Volpe (020229) (NOT DEP EX)		
263	2/7/84 Newsday article		
264	Google earth map with marking: Hot Skates, Sunrise & Rocklyn		
265	DMV-Plate# of John French car		
266	Lynbrook Police Blotter 11/10/84		
267	12/7/84 Newsday Article		
268	Crime scene photo – red/white/blue quilt		

Ex. #	Description	Stipulated	Defense Objection
269	Crime scene photo – white blanket with border		
270	Crime scene photo – white blanket		
271	8/22/02 Morrison let. to Pavlides (IP5307-9) (NOT DEP EX)		
272	Excerpt of 1986 Kogut <i>Wade/Huntley</i> Hearing (pp. 257-58)		
273	Excerpt of Sirianni's R/H Trial Testimony (pp. 573-4, 587-8)		
274	Excerpt of Sirianni's 2005 Kogut rerial testimony (pp. 1083-4, 1107-11)		
275	1/16/03 Pavlides let to Morrison (IP6934-5) (NOT DEP EX)		
276*	4/2/84 Brian O'Hanlon Polygraph Examination Card (NC008101)		
277	NC Sheriff's Department Location History for Glenn Mielinis (IP9283)		
278	Declaration of Carl Pozzini with attachments		
279	NCME Report 4/7/11 excluding Pozzini (NC070824-7)		
280	NC Probation Department Resentence Report for Glen Mielinis		
281	Certificate of Disposition, People v. Mielinis		
282	Commitment to State Department of Corrections, People v. Mielinis		
283	Mielinis 1986 Kogut trial transcript 5/13/86		
284	NCPD Supplementary Report (6/4/2003)		
285	NCCC Chronological History Display: Glen Mielinis		
286	NCCC Chronological History Display: John Kogut		
287	Glen Mielinis Rap Sheet (NC070944-66)		
288	NY <i>Post</i> , Missing Teen Girl's Nude Body Found in LI Woods (12/7/84) (NOT DEP EX)		
289	note on Mielinis with Case Report (NC02134, NC026108-11)		
290	NCPD Property Bureau Invoice, DNA Sample and Report) (NC017614, NC017868, NC017897)		
291	DR 7-103 (B)		
292	3/15/95 Fred Klein Inter-Departmental Memo (NC063035-6)		

Ex. #	Description	Stipulated	Defense Objection
293	Postconviction Timeline		
294	<i>Newsday</i> , “Nude Body of Teen Found”, 12/7/84 (NOT DEP EX)		
295	<i>NY Times</i> , “Missing Girl, 16, Found Strangled in LI Woods” (12/7/84) (NOT DEP EX)		
296	Declaration of Theodore W. Robinson with exhibits		
297	<i>Newsday</i> , “One found dead one still missing,” (NC026621) (NOT DEP EX)		
298	NCPD Teletypewriter alarm sheets 12/7/84 & 12/13/84 (NC021971, 021912) (NOT DEP EX)		
299	Excerpts from Shonnard Lee case		
300	Shonnard Lee Article from <i>Newsday</i> “\$2M in faulty arrest”		
301-RD	Lee Homicide Book with 34 tabs		
302	3/10/2000 Dempsey DD Report re Sammy Jones homicide		
303	Crime Stoppers Flyer – Sammy Jones		
304	2/24/97 Dempsey Statement of Henrietta Williams		
305	2/4/03 Affidavit of Tajuan Crum		
306	Notice of 30(b)(6) Deposition		
307	NCPD Mission Statement		
309*	Hillman/Goldman 262 Report (NC077082-NC077138) (REDACTED)		
310*	Det. Hillman’s Notes (NC076736-819) (REDACTED)		
311	Preliminary death report, Taff/McCarthy (IP1560-61) (NOT DEP EX)		
312	Grand jury report (NC14468-69) (NOT DEP EX)		
313	Goldman’s Subpoena Request for Employee Records of M. Wilson (NC071194)		
314	Det. Goldman’s Request to M. Wilson’s Employer (NC071195)		
315	DNA Documents (NC077344, NC075399-NC075400, NC073425, NC073424, NC074074-75, NC072832, NC072831, NC072875, NC076998, NC071718, NC071717, NC071635, NC071636, NC071623, NC076169, NC073980, NC074073, NC076375)		

Ex. #	Description	Stipulated	Defense Objection
316	Goldman Request for Interview with Carl Macedonio (NC071445)		
317	Hillman request for S. Newsome's Death Certificate (NC072906)		
318	Hillman Request to Interview Alex Sapounas (NC071714)		
320	Goldman Request to interview Richard Sloan (NC071185)		
321	Goldman Request to interview Patrick Proctor (NC075699)		
322	Goldman Request to interview Richard Marino (NC071580)		
323	Goldman Request to interview Robert Garcia (NC074558)		
324	James Ravenell Rap Sheet		
325	James Ravenell Repository Inquiry		
326	Det. Hillman's Request to interview Alex Sapounas (NC071714-NC071713)		
330	1/22/09 Allen deposition		
331	1/29/09 Connaughton deposition		
332	2/13/09 Dempsey deposition		
333	5/18/10 & 1/24/12 Dempsey deposition		
334	1/26/09 Lt. Dennis Farrell deposition		
335	4/29/11 John French deposition		
336	3/16/11 Lori French Gabberty deposition		
337	3/29/12 Det. Robert Hillman deposition		
338	8/23/10, 9/1/10, 9/8/10 & 4/3/12 Fred Klein deposition		
339	12/20/10 Judge Edward McCarty deposition		
340	12/16/11 Brian O'Hanlon deposition		
341	1/18/11 & 2/28/11 Det. Michael O'Leary deposition		
342	1/4/12 Carl Pozzini deposition		
343	8/2/10 David Rapp deposition		
345	6/15/10, 12/13/11 & 12/14/11 Sirianni deposition *videotaped		
346	1/5/12 Harold Smyle deposition		
347	2/9/09 & 4/21/10 Lt. Spillane deposition		
348	1/26/09, 3/5/09, 3/18/09, 4/6/09, 5/4/09, & 11/24/09 Volpe deposition *videotaped		
349	12/2/09 & 11/19/10 Volpe deposition * videotaped		

Ex. #	Description	Stipulated	Defense Objection
350	2/10/11 Peter Weinstein deposition		
351	1/13/12 Peter Weinstein deposition		
352	Restivo & Halstead Pltfs' 4 TH Set of RTAS		
353	Expert report of Russell Fischer		
354	Map of Lynbrook		
355	12/8/84 NCPD Crime Scene Unit Scene Examination Report		
357	11/25/94 NCPD Supplementary Report of defendant Volpe		
358	4/25/85 Affirmation of Theodore Robinson in Reply to Article 78 petition		
359	12/21/05 acquittal verdict of the Hon. Victor Ort, <i>People v. Kogut</i> , Ind. No. 61029/85		
360	7/13/10 declaration of Harold Smyle		
361*	3/5/85 NCPD Polygraph Examination card for Harold Smyle		
362	Criminal Information and Indictment, <i>People v. Steven Dorfman</i> , Ind. No. 63090/86		
363	Brian O'Hanlon's New York State Division of Criminal Justice Services Repository Inquiry Record		
364	1/29/86 Nassau County Correctional Center ("NCCC") Administrative Segregation Report for Samuel Newsome		
365	3/3/86 NCCC sign-in form for Samuel Newsome reflecting a visit by Det. Pizer		
366	handwritten notes by NCPD Det. Pizer regarding an interview with Samuel Newsome		
367	10/22/86 statement of Samuel Newsome, handwritten by defendant Connaughton		
368	handwritten statement of Shonnard Lee		
369	Al Baker, "Teen Held in Death," <i>Newsday</i> , 6/19/97		
370	6/13/97 statement of Tajuan Crum		
371	Affidavit of Tajuan Crum, <i>Shonnard Lee v. Nassau County, et al.</i> , No. 00 Civ. 0881 (WDW)		
372	Affidavit of Winona Hammonds, <i>Shonnard Lee v. Nassau County, et al.</i> , No. 00 Civ. 0881 (WDW)		
373	Statement of Ragan Martin, <i>Shonnard Lee v. Nassau County, et al.</i> , No. 00 Civ. 0881 (WDW)		

Ex. #	Description	Stipulated	Defense Objection
375	Shonnard Lee Deposition, <i>Lee v. Nassau County, et al.</i> , No. 00 CV 0881 (WDW)		
376	Handwritten statement of Robert Moore		
377	Affidavit of Robert Moore, <i>Robert Moore v. Nassau County</i> , No. 00 Civ. 881 (JS)(WDW)		
378	Deposition of Robert Moore, <i>Moore v. Nassau County</i> , No. 00 Civ. 881 (JS)(WDW)		
379	Deposition of NCPD Det. Jerl Mullen <i>Moore v. Nassau County</i> , No. 00 Civ. 881 (JS)(WDW)		
380	Deposition of Joseph Volpe, <i>Moore v. Nassau County</i> , No. 00 Civ. 881 (JS)(WDW)		
381	NCPD training class lists		
382	Defendants' Amended Response to Plaintiffs' Seventh Set of Interrogatories		
383	NCPD Comprehensive Officer Report-Volpe		
384	Excerpts of the 1986 trial in <i>People v. Restivo & Halstead</i> , Ind. No. 61322-85		
385	Dempsey notes re Ted Robinson's 3/7/85 telephone complaint		
386	Excerpts of the 2005 retrial, <i>People v. Kogut</i> , Ind. No. 61029/85.		
387	Declaration of DNA expert Charlotte Word		
388	Affidavit of Shonnard Lee, <i>Shonnard Lee v. Nassau County, et al.</i> , No. 00 Civ. 0881 (WDW)		
389	Affidavit of Dorothy Lee, <i>Lee v. Nassau County, et al.</i> , No. 00 Civ. 0881 (WDW)		
390	Affidavit of Jeffrey Bourne, <i>Lee v. Nassau County, et al.</i> , No. 00 Civ. 0881 (WDW)		
391	Affidavit of Ragan Martin, <i>Lee v. Nassau County, et al.</i> , No. 00 Civ. 0881 (WDW)		
392	Comprehensive Officer History for defendant Dempsey		
393	SWGMAF Forensic Human Hair Comparison Guidelines (Hrg. Ex. 3)		
394	SWGMAF Atlas Photos (Hrg. Ex. 4)		
395	SWGMAF Atlas Photo – Putrid Root (Hrg. Ex. 5)		
396	1984 Seta article (Hrg. Ex. 6)		
397	1985 Symposium (Hrg. Ex. 7)		

Ex. #	Description	Stipulated	Defense Objection
398	1988 Petraco, Fraas JFS Article (Hrg. Ex. 8)		
399	2000 Tafaro JFS article (Hrg. Ex. 9)		
400	2001 Linch & Prahlow article (Hrg. Ex. 10)		
401	2005 Jefferey gorilla article (Hrg. Ex. 11)		
402	2012 Shaw Abstract (Hrg. Ex. 12)		
403	Domzalski thesis (Hrg. Ex. 13)		
404	Collier Thesis (Hrg. Ex. 14)		
405	Petraco Rpt. & CV (Hrg. Ex. 15)		
406	Petraco 2003 Affidavit (Hrg. Ex. 16)		
407	Kogut Retrial Q8 Hair photo (KRT Ex. DL; Hrg. Ex. 17)		
408	Kogut retrial Q8 hair photo (KRT Ex. DM; Hrg. Ex. 18)		
409	Kogut retrial Q4 hair photo (KRT Ex. DN; Hrg. Ex. 19)		
410	Kogut retrial debris hair photo (KRT Ex. 132, OOO; Hrg. Ex. 22)		
410	Kogut retrial debris hair photo (KRT Ex. 131, MMM; Hrg. Ex. 23)		
411	Houck Report & CV (Hrg. Ex. 1)		
412	Houck Powerpoint (Hrg. Ex. 2)		
413	Deforest report & CV (Hrg. Ex. 25)		
414	Deforest Powerpoint (Hrg. Ex. 26)		
415	Photo of TF known hair (KRT Ex. DO; Hrg. Ex. 27)		
416	Domzalski photo of hair buried in soil 6 days (Hrg. Ex. 28)		
417	1/3/85 Baumann serology report		
418	11/22/93 Lifecodes DQAlpha report		
419	11/29/94 CBR Labs DQ Alpha report		
420	1/5/95 Cellmark DQ Alpha DNA report		
421	3/20/01 Labcorp DNA report – male profile		
422	6/7/01 Labcorp DNA report – TF profile		
423	12/4/01 NY OCME DNA report		
424	3/31/03 Cellmark DNA report		
425	7/7/03 Labcorp DNA report		
426	Crime scene photograph		
427	Crime scene photograph		
428	Crime scene photograph		
429	Crime scene photograph		
430	Crime scene photograph		
431	Crime scene photograph		
432a-	Restivo photographs		
433a-	Halstead photographs		

Ex. #	Description	Stipulated	Defense Objection
434	Photograph of Joseph Volpe		
435	Photograph of John Restivo during 1986 trial		
436	Photograph of John Restivo postconviction		
437	Photograph of Dennis Halstead at 1986 trial		
438	Photograph of John Kogut upon arrest		
439	Photograph of John Restivo at release		
440	Photograph of Dennis Halstead before release		
441	Photograph of John Kogut before release		
443	Photograph of 3 plaintiffs upon release		
444	Photograph of Halstead upon release with grown children		
445	Photo of Restivo & Halstead after release		
446	Newsday photo of 1986 trial		
447	Newsday photo of 1986 trial		
448	Newsday photo of 1986 trial		
448	Photograph of John Kogut and counsel at 2005 reading of acquittal verdict		
449	Photograph of John Kogut at acquittal		
450	Photo of Kogut team after acquittal		
451	Photo of Kogut after acquittal		
452	Photo of Kogut with Casteleiro after acquittal		
453	Photo of Kogut hugging Casteleiro after acquittal		
454	Collection of invoices and cancelled checks re payment to Ted Robinson		
455	Collection of invoices and cancelled checks re payment to Investigator Rick Arden		
456a-	Robinson photos of Restivo injuries		
457	Halstead – Eastern NYCF records (HP0030)		
458	Halstead – Attica records (HP0033-34)		
459	Halstead – Attica records (HP0135)		
460	Halstead – Downstate records (HP0139)		
461	Halstead – Downstate records (HP0166)		
462	Halstead – NCCC record (HP0172)		
463	Halstead – Downstate record (HP0175)		
464	Halstead – 4/9/87 Correspondence to President Reagan (HP0194-95)		
465	Halstead – prison record (HP0255)		
466	Halstead –Great Meadow record (HP269-71)		
467	Halstead –prison record (HP0308-09)		
468	Halstead – bail order (HP0453-54)		
469	Halstead – prison record (HP0529)		

Ex. #	Description	Stipulated	Defense Objection
470	Halstead – GED diploma (HP0783)		
471	Halstead – medical record (HPMED0095)		
472	Halstead – NCDA letter re taking blood for DNA testing (HPMED0193-95)		
473	Halstead – prison medical (HPMED0380-81)		
474	Halstead – additional prison/medical records		
475	Restivo Sentencing & Commitment Order (JP0001-2)		
476	Halstead Sentencing & Commitment Order		
477	Order to Vacate Convictions (JP03-04)		
478	Restivo bond order (JP0008)		
479	Restivo property transferred records (JP0021-23, JP28, JP49-50)		
480	Restivo correspondence (JP158-59)		
481	Restivo correspondence (JP169)		
482	Restivo progress reports (JP174, 177, 182-83, 186-87, 198 et seq.)		
483	Restivo prison records (JP0543-97)		
484	Restivo prison records (JP0619)		
485	Restivo Tutor Training certificate (JP659)		
486	Restivo Inmate Program Associate training certificate (JP660)		
487	Restivo basic legal research and law library management training certificate (JP661)		
488	Restivo legal research for the law library certificate of merit (JP662)		
489	Restivo vocational school certificate of proficiency (JP663)		
490	Restivo Stormville School IPA Training certificate (JP691)		
491	Restivo prison memo re tutoring (JP714)		
492	“Were Three Men Framed for Fusco Slaying?” (JP738)		
493	Halstead correspondence re erroneous enemy status (JP739)		
494	Restivo correspondence re erroneous enemy status (JP742 et seq.)		
495	Halstead prison records		
496	Restivo prison records		
497	Halstead medical records		
498	Restivo medical records		
499	Restivo sentencing statement (B05361-78)		
500	JR letter to Frida (JR001985-1987)		
501	JR letter to son (JR028764)		

Ex. #	Description	Stipulated	Defense Objection
502	JR to Barry Scheck / IP (JR001751-52)		
503	JR to Albany Law School (JR000313-14)		
504	DH to Trager (SIC) (B07839-42)		
505	Lorraine to DH (DHCOR000547-8)		
506	Lorraine to DH (DHCOR000576-81)		
507	Lorraine to DH (DHCOR000532-37)		
508	Lorraine and son to DH (DHCOR519-31)		
509	Lorraine to DH (DHCOR000598-99)		
510	Lorraine to DH postcard (DHCOR00054-46)		
511	DH to Jason letter (DHCOR274-275)		
512	family to DH re heart attack (DHCOR873-6)		
513	DH to President Reagan (HP0194-5)		
514	Lorraine to DH Xmas card (DHCOR560-5)		
515	Christopher/Lorraine to DH birthday card (DHCOR000549-53)		
516	DH to Christopher (DHCOR000507-10)		
517	DH to Heather (DHCOR000753-57)		
518	DH to Melissa (DHCOR000761-3)		
519	DH to Heather Xmas card (DHCOR758-60)		
520	DH to Jason (DHCOR000213-6)		
521	DH to Jason (DHCOR000241-7)		
522	DH to Jason (DHCOR000261-2)		
523	DH to Jason (DHCOR000256-60)		
524	DH to Taylor Halstead (DHCOR263-5)		
525	DH to Jason (DHCOR000269-70)		
526	DH to family (DHCOR000276-9)		
527	DH to family (DHCOR000282-)		
528	school photos (DHCOR000188-92)		
529	DH to Lorraine (DHCOR000495-500)		
530	DH to Lorraine & Melissa (DHCOR472-85)		
531	DH to Melissa (DHCOR000749-52)		
532	DH to Melissa (DHCOR000790-2)		
533	DH to son (DHCOR000292-4)		
534	Family to DH (DHCOR000729-32)		
535	Chris to DH birthday card (DHCOR627-31)		
536	Chris to DH Xmas card (DHCOR000566-70)		
537	Jason to DH birthday card (DHCOR318-23)		
538	Jason to DH birthday card (DHCOR638-42)		
539	Chris to DH birthday card (DHCOR514-8)		
540	Melissa to DH birthday card (DHCOR305-8)		
541	Michael to DH Valentines card (DHCOR439-42)		
542	Melissa to DH Valentines day card (DHCOR000387-90)		

Ex. #	Description	Stipulated	Defense Objection
543	Commissary deposit receipt (DHCOR831-2)		
544	Heather to DH birthday card (DHCOR01327-32)		
545a-	DH family photos 1990s – various (DHCOR000031-86)		
546	photo of family with kids (DHCOR0031-2)		
547	7/29/98, photo of 3 family members (DHCOR33-34)		
548	1996 photo of 3 family members (DHCOR35-36)		
549	10/18/02 DH family photo (DHCOR37-8)		
550	09/29/02 DH family photo (DHCOR39-40)		
551	DH family photo (DHCOR41-42)		
552	2/6/2000 DH family photo (DHCOR43-44)		
553	1/21/96 DH photo (DHCOR45-46)		
554	1996 family photo (DHCO047-48)		
555	11/18/98 DH family photo (DHCOR49-50)		
556	DH family photo (DHCOR51-52)		
557	9/3/95 DH family photo (DHCOR053-54)		
558	DH family photo (DHCOR55-56)		
559	DH family photo (DHCOR57-58)		
560	DH family photo (DHCOR59-60)		
561	DH family photo 2/6/2000 (DHCOR61		
562	DH family photo (DHCOR000063)		
563	DH family photo 07/29/98 (DHCOR000065)		
564	DH family photo 1998 (DHCOR000067)		
565	DH family photo 2/6/2000 (DHCOR000069)		
566	DH family photo 1/21/96 (DHCOR000071)		
567	DH family photo 1996 (DHCOR000073)		
568	DH family photo 1997 (DHCOR000075)		
569	DH family photo (DHCOR000077)		
570	DH family photo 1998 (DHCOR000079)		
571	DH family photo 2/11/98 (DHCOR000081)		
572	DH family photo (DHCOR000083)		
573	DH family photo 09/29/02 (DHCOR000085)		
574	DH family photo (DHCOR000364)		
575	DH family photo (DHCOR000365)		
576	DH family photo (DHCOR000366)		
577	DH family photo (DHCOR000367)		
578	DH family photo – christening (DHCOR000369)		
579	DH family photo (DHCOR000370)		
580	DH family photo – wedding (DHCOR0371)		
581	DH family photo – wedding (DHCOR0372)		

Ex. #	Description	Stipulated	Defense Objection
582	DH family photo – wedding (DHCOR0374)		
583	DH family photo – wedding party (DHCOR0375-76)		
584	DH family photo (DHCOR000377)		
585	DH family photo (DHCOR000378-79)		
586	DH family photo (DHCOR000380)		
587	DH family photo (DHCOR000381)		
588	DH family photo (DHCOR000382)		
589	DH family photo (DHCOR000383)		
590	DH family photo (DHCOR000384)		
591	DH family photo (DHCOR000385)		
592	DH family photo (DHCOR001181)		
593	DH family photo (DHCOR001182-83)		
594	DH family photo (DHCOR001184)		
595	DH family photo – engagement party (DHCOR001185-86)		
596	DH family photo (DHCOR001187)		
597	DH family photo (DHCOR001188-89)		
598	DH family photo (DHCOR001190)		
599	DH family photo (DHCOR001192)		
600	DH family photo (DHCOR001193)		
601	DH family photo (DHCOR001195)		
602	DH family photo (DHCOR001197)		
603	DH family photo (DHCOR001198)		
604	DH family photo (DHCOR001199)		
605	DH family photo (DHCOR001200)		
606	DH family photo (DHCOR001202)		
607	DH family photo (DHCOR001238)		
608	DH family photo – pregnant (DHCOR001240)		
609	DH family photo – pregnant (DHCOR001242)		
610	DH family photo – grandchild (DHCOR1244)		
611	DH family photo (DHCOR001246)		
612	DH family photo – pregnant (DHCOR001248)		
613	DH family photo – grandson (DHCOR001250)		
614	DH family photo (DHCOR001252)		
615	DH family photo – 5 months pregnant (DHCOR001254)		
616	DH family photo – 4 months pregnant (DHCOR001256)		

Ex. #	Description	Stipulated	Defendants' Objection
617	DH family photo (DHCOR001265)		
618	DH family photo (DHCOR001267)		
619	DH family photo (DHCOR001269)		
620	DH family photo (DHCOR001271)		
621	DH family photo – grandfather (DHCOR001272)		
622	DH family photo – grandson Chris (DHCOR001274)		
623	DH family photo (DHCOR001275)		
624	DH family photo (DHCOR001276)		
625	DH family photo (DHCOR001277)		
626	DH family photo – deceased nephew (DHCOR001279)		
627	DH family photo (DHCOR001281)		
628	DH family photo 9/29/02 (DHCOR001283)		
629	DH family photo (DHCOR001284)		
630	DH family photo (DHCOR001285)		
631	DH family photo (DHCOR001287)		
632	DH family photo (DHCOR001288)		
633	DH family photo (DHCOR001289)		
634	DH family photo (DHCOR001290)		
635	DH family photo (DHCOR001291)		
636	DH family photo (DHCOR001292)		
637	DH family photo (DHCOR001293)		
638	DH family photo (DHCOR001294)		
639	DH family photo (DHCOR001295)		
640	DH family photo (DHCOR001297)		
641	DH family photo (DHCOR001298)		
642	DH family photo – grandson Chris (DHCOR001299)		
643	DH family photo 1996 (DHCOR001301)		
644	DH family photo (DHCOR001303)		
645	DH family photo (DHCOR001305)		
646	DH family photo (DHCOR001307)		
647	DH family photo (DHCOR001309)		
648	DH family photo (DHCOR001310)		
649	DH family photo (DHCOR001311)		
650	DH family photo – Sean & Alex, Heather's kids (DHCOR001313)		
651	DH family photo - Jennis, Jason's daughter (DHCOR001315)		
652	DH family photo (DHCOR001317)		
653	DH family photo (DHCOR001318)		
654	DH family photo (DHCOR001319)		

Ex. #	Description	Stipulated	Defendants' Objection
655	DH family photo (DHCOR001320)		
656	DH family photo (DHCOR001321)		
657	DH family photo (DHCOR001322)		
658	DH family photo – wedding first dance (DHCOR001324-25)		
659	DH family photo (DHCOR001326)		
660	DH family photo (DHCOR001327)		
661	DH family photo (DHCOR001329)		
662	DH family photos (DHCOR001648-9)		
663	DH family photo (DHCOR001650)		
664	DH family photo – Jennis (DHCOR001651)		
665	DH family photo (DHCOR1653)		
666	DH family photo (DHCOR1655)		
667	DH Father's day card (DHCOR001742-45)		
668	Restivo family photos – various		

	R/H Trial Exhibits (to the extent not already identified)		
	20: Large envelope w/ 4 small envelopes w/ hair samples		
	21: Photo of area where TF jewelry found		
	23: tool rental contract		
	31: Form 350, contents taken from van		
	32: Q8 envelope with contents collected from van right front seat floor		
	37: Prez Tools blank receipt		
	40: Rental car receipt		
	C: Photo of Hot Skates parking lot		
	D: Photo of Hot Skates parking lot		
	E: Photo of Hot Skates parking lot		
	H: Photo of paved driveway alongside Noble Machinery (east)		
	I: Photo of paved driveway alongside Noble Machinery (west)		
	J: Autopsy report		
	K: Serology report		
	L: Photo of broken glass marked #4		
	M: Photo of broken glass marked #4		
	N: Photo of broken glass marked #4		
	O: Van registration record		
	P: Smyle statement to Rick Arden		
	T: Bill for rental of screw gun (in evidence as AAA)		

<u>Ex. #</u>	<u>Description</u>	<u>Stipulated</u>	<u>Defense Objection</u>
	BB: Thomas DeCrascenzo telephone records 11/10/1984		
	HH: diagram of growing hair		
	II: hair diagram		
	KK: Pergament register receipt		
	LL: Receipt from E. Rockaway Paint & Hardware		
	MM: Receipt, E. Rockaway Paint		
	NN: Receipt, Prez Tool Rental		
	OO: Receipt from Prez Tools – screwgun		
	PP: Receipt from Prez Tools – screwgun		
	QQ: Photographs of Restivo by Robinson		
	RR: Photographs of Restivo by Robinson		
	SS: Photographs of Restivo by Robinson		
	TT: Photographs of Restivo by Robinson		
	UU: copy of receipt for rug		
	VV: Check for rug		
	WW: Prez Tool receipt		
	XX: Prez Tool receipt		
	YY: Prez Tool receipt		
	ZZ: Cockerel statement to Rick Arden		
	AAA: Machine receipt – tool gun rental		
	BBB: bills of lading, 11/13/84		
	CCC: bills of lading, 11/13/84		
	DDD: Contract		
	EEE: hair slides		
	OOO: hair slides		
	SSS: car rental invoice		
	TTT: Contract between Davies and Halstead		
	UUU: Check from Davies to Halstead, 11/4/84		
	VVV: E. Rockaway Raiders football schedule		
	XXX: JFK Airport climatic record Nov 1984		
	<u>Kogut Trial/Retrial Exhibit (to the extent not already identified)</u>		
	All autopsy photographs introduced during Kogut's 2005 retrial		
	Department of Correction tabs 1-7 and all photographs		

Defendants offer the following Exhibits. The Amended Pretrial Order to be filed on 8/27/12 will indicate whether their admission has been stipulated, or, if plaintiffs object, the basis for the objection:

Defendants' Exhibits

	Document Description	Reference	Stip	Objections
	Transcript of Trial Testimony of Arthur Fleishman, H/R			
	Transcript of Deposition of Anthony Kosior, 2/10/09			FRE802,803
	Polygraph File Case Synopsis Re: Polygraph File # 200-1984 concerning the Murder of Theresa Fusco	NC 14527; 028111		FRE403,802,803, MILs
	Polygraph Exam Card Michael Backman	NC 028128-29		FRE403,802,803, MILs
	Polygraph Exam Materials for Michael Backman	NC 048757-759		FRE403,802,803, MILs
	Polygraph Exam Card Paul Bastian	NC 028132		FRE403,802,803, MILs
	Polygraph Exam Card Jeremiah Breen	NC 028133		FRE403,802,803, MILs
	Polygraph Exam Card for Richard Brown	NC 028155-36		FRE403,802,803, MILs
	Polygraph Exam Card for Francis Capone	NC 028138-39		FRE403,802,803, MILs
	Polygraph Examination Card for Kenneth Cockerel dated 4/19/85	Pl. Ex. 15		FRE403,802,803, MILs
	Polygraph Exam Card for Kenneth Cockerel	NC 028140-41		FRE403,802,803, MILs
	Polygraph Exam Card for John Evely	NC 028145-46		FRE403,802,803, MILs
	Polygraph Examination Card for John Fusco	NC 28148		
	Polygraph Exam Card for Charles Kouyoumdjian	NC 028157-160		FRE403,802,803, MILs
	Polygraph Examination Card for John Laing	NC 028164		FRE403,802,803, MILs
	Polygraph Exam Card for Christopher Lampasona	NC 028170		FRE403,802,803, MILs

	Polygraph Examination Card for Christopher Lampasona dated 3/15/85	NC 028170		FRE403,802,803, MILs
	Polygraph Exam Card Benjamin Langdon	NC 028166		FRE403,802,803, MILs
	Polygraph Exam Card for John Martini	NC 028171		FRE403,802,803, MILs
	Polygraph Exam Card for John Nutti	NC 028172 and 028175		FRE403,802,803, MILs
	Polygraph Examination Card for Brian O'Hanlon dated 2/26/84	Pl. Ex. 229		
	Polygraph Examination Card for Brian O'Hanlon dated 9/12/85	Pl. Ex. 229		FRE403,802,803, MILs
	Polygraph Exam Card for David Rapp	NC 028180 and 028183		FRE403,802,803, MILs
	Polygraph Exam Card for Brian S. Reed	NC 028188		FRE403,802,803, MILs
	Polygraph Exam Card for Harry Reilly	NC 028186		FRE403,802,803, MILs
	Polygraph Examination Card for Harold Smyle dated 3/5/85	NC 14529		FRE403,802,803, MILs
	Polygraph Examination Card for Harold Smyle dated 3/5/85	NC 14529		FRE403,802,803, MILs (& dup)
	Polygraph Background for John Restivo	Def. Ex. JJJ		FRE403,802,803, MILs
	Polygraph Examination Card for John Restivo	NC 028190		FRE403,802,803, MILs
	Polygraph Section General Information Form for John Restivo	Def. Ex. III		FRE403,802,803, MILs
	Polygraph Consent Form for John Restivo	Def Ex. HHH		FRE403,802,803, MILs
	Gruber's Notes on Polygraph Examination of John Kogut	NC 028119-20; 028155-56 clearer		
	Polygraph Consent Form for John Kogut	NC 028113		
	Polygraph Examination Card for John Kogut	NC 028116		
	Polygraph Examination Gesture Checklist for John Kogut	NC 028115		

Polygraph Examination Question Sheet for John Kogut	NC 028118		
Polygraph Materials for John Kogut	Pl. Ex. 124		
General Information Re: Polygraph Examination of John Kogut and Remarks	NC 28151-52		
Polygraph Examination Background Form for John Kogut	NC 028114		
Schneider: Polygraph Exam Card for Cheryl Schneider	NC 028193-94		FRE403,802,803, MILs
Traynor: Polygraph Exam Card for James Traynor	NC 028198		FRE403,802,803, MILs
Wilson: Polygraph Examination Card for Matthew Wilson	NC 028199		FRE403,802,803, MILs
Wilson: Polygraph Worksheet for Matthew Wilson	Pl. Ex. 123		MILs ("polygraph")
Transcript of Deposition of Albert Martino, 1/27/09			FRE802,803
Transcript of Trial Testimony of Det. Martino, Kogut I			FRE802,803
Transcript of Trial Testimony of Det. Martino, Kogut II			FRE802,803
Interview of Alex Sapounas	NC 12282		FRE403,404, 608, 802, 803; MIL
Detective Hillman Interview of Angelo Talierco	NC 77123-24		FRE402,403,802, 803; MIL re KM
Detective Kuhn Interview of Angelo Talierco	NC 12257		FRE403,802,803
Statement of Angelo Talierco	NC 11239		FRE802,803,MIL
Work Sheet Invoice for Piano Move by Move-Right (11/10/84)	Def. Ex. FF		
Deposition of Brian O'Hanlon			FRE802,803; MIL
Transcript of Trial Testimony of Brian O'Hanlon, H/R			FRE802,803
Waltman Notes Re: Brian O'Hanlon	Pl. Ex. 141		FRE802,803
Detective Hillman Interview of Brian O'Hanlon	NC 77105		FRE802,803
Detective Kuhn Interview of Brian O'Hanlon	NC 12285		FRE403,802,803 MILs
Lane Notes Re: Brian O'Hanlon	Pl. Ex. 142		FRE802,803
Statement of Brian O'Hanlon dated 09/12/85	NC 26887-88		FRE802,803

Statement of Brian O'Hanlon dated 9/12/85, scratch	Pl. Ex. 143		FRE802,803
Statement of Brian O'Hanlon dated 9/12/85, typed	Pl. Ex. 144		FRE802,803
Statement of Brian O'Hanlon, District Attorney's Investigation, 9/20/85	NC 46873-46879		FRE802,803
Transcript of DA Q&A w/ Brian O'Hanlon dated 9/20/85	Pl. Ex. 228, Klein Deposition		FRE802,803
Transcript of Deposition of Brian O'Hanlon, 12/16/11			FRE802,803; FRCP32 n/a
Homicide Lead Sheet for Brian Skellington dated 3/5/85, Skellington Interviewed on 3/6/85	NC 29346		FRE403,404,802
Interview of Brian Skellington by Connaughton & Diehl dated 5/10/86	NC 13737-40		
Transcript of Trial Testimony of Carol Davies, H/R			FRE802,803
List of People in John French's Car and Hair Samples	Pl. Ex. 164	Stipulated	
Fraas Notes, scratch	NC 13803		DOES NOT APPEAR TO BE AUTHORED BY FRAAS -Schiraldi? FRE402,802
SIB Report of Analysis of Q8 hair	NC 13086		
Transcript of Deposition of Charles Fraas, 12/4/08			
Transcript of Trial Testimony of Det. Fraas, H/R			
Transcript of Trial Testimony of Det. Fraas, Kogut I			
Transcript of Trial Testimony of Det. Fraas, Kogut II			
SIB Property receipts and reports dated 12/6/84 for property found at scene	Pl. Ex. 52		
SIB Receipt and Report for Blood and Hair of Theresa Fusco	Pl. Ex. 55		
SIB Receipt for Hair Received by Det. Frass	NC 13804		
SIB Receipt for Hair received by Fraas	NC 13084		
SIB Receipt/Report	NC 13087		

SIB Receipt/Report for Blood/Hair	NC 13094		
SIB Receipt/Report for Blood/Hair	NC 13093		
SIB receipt/report Re: Evidence from Van	NC 13084-86		
Interview of Carey Guerrero by Det. Hillman	NC 77086		FRE802,803
Transcript of Trial Testimony of Carey Guerrero, Kogut II			n/a re R/H, FRE802,803
Statement of Chester Johnson dated 3/2/87	NC 023616-17		403, MIL
Notes of Detective Hillman Interview of Chester Johnson dated 7/6/11	NC 077132		FRE403,802,803; MIL
Hillman Interview of Charles Lewis	NC 077111		FRE402,403,404(b), MIL
Statement of Charles Lewis dated 9/25/85	NC 25332		FRE403,802,803, MIL
Photographs of blue jeans	Def. Ex. L		FRE402
TF Missing Person Poster	Pl. Ex. 168	Stipulated	
Notes on Theresa's Clothing and Jewelry on Novevemember 10, 1984 as described by C. Napoli, scratch, dated 12/6/84	NC 13015-17		
NCPD Photography Unit Photo of "S" Ring	NC 13009		
NCPD Photography Unit Photo of Heart Charm	NC 13008		
NCPD Photograpy Unit Photo of Unicorn Charm	NC 13012		
Notes of Interview with Connie Napoli dated 12/11/84, scratch and typed	Pl. Ex. 60		
Picture of Theresa Fusco at Sweet Sixteen Party of Halstead's Sister	Def Ex. RRR		FRE402,403
Transcript of Trial Testimony of C. Napoli, H/R			
Transcript of Trial testimony of C. Napoli, Kogut I			
Transcript of Trial Testimony of C. Napoli, Kogut II			
Transcript of Deposition of Carl Pozzini, 1/4/12			
Detective Hillman interview of Cheryl Schneider	NC 77133		FRE402, 403, 404(b), 608, 802,803;

			MIL re KM
	Transcript of Trial Testimony of Dr. Charles Welti, Kogut II		
	TF Ligature Mark Photo		
	Work Order of Move-Rite Movers for Dorsha Campbell	Def. Ex. DD	
	Detective Hillman Interview of David Devine	NC 77117	FRE403, 802, 803; page includes extraneous material: MIL
	Detective Kuhn Interview of David Devine	NC 12293	FRE402,802,803, MIL
	Transcript of Deposition of Dennis Farrell, 1/26/09		
	Transcript (scratch) of Wiretapped Phone Conversation between Halstead and Loraine DiGuiseppe, monitored by Det. Mitchell dated 3/29/85	NC 03011-12; Def. Ex. XXX	FRE802,803; MIL; violates representation re use of tapes at 4/13/12 hrg.
	Wiretapped phone conversation between Dennis Halstead and Linda Miller	NC 78841	FRE802,803; MIL; violates representation re use of tapes at 4/13/12 hrg.
	Transcript of Deposition of Dennis Halstead, 12/12/06		FRE403, 404, 608, MIL
	Transcript of Deposition of Dennis Halstead, 7/25/11		FRE403, 404, 608, MIL
	Transcript of Deposition of Dennis Halstead, 7/26/11		FRE403, 404, 608, MIL
	Transcript (typed) of Wiretapped Phone Conversation between Halstead and Linda Miller dated 4/6/85	Def. Ex. UUU	
	Detective O'Leary Notebooks	NC 66553- NC 66916	FRE402, 403, 404(b), 802,803, MIL
	Transcript of Trial Testimony of ME McCarthy, H/R		
	Transcript of Trial Testimony of ME McCarthy, Kogut I		
	Transcript of Deposition of David Rapp, 8/2/10		FRE403,404(b), 608; MIL

Connaughton notes on David Skellington, 6/18/85	Pl. Ex. 95		
Interview of David Skellington	NC 29327		FRE402,802,803
Notes of Detective Hillman Interview of David Skellington dated 6/8/11	NC 077130		FRE403,802,803; MIL
Detective Volpe's Notes on Statement of Debbie Smith, scratch	Pl. Ex. 160		
Statement of Debbie Smith dated 12/9/84, scratch	Pl. Ex. 159		
Transcript of Deposition of Debra Smith, 3/22/11			
Notes, "4 Latents Remain Open"	NC 029417		FRE802,803, unk. Author
Crime Scene Search Unit Scene Examination Report "Additional to 12/5/84" dated 12/7/84, description of photos taken of French Auto and list of items found in French Auto	Pl. Ex. 167		
Latent Fingerprint Unit Vehicle Processing Worksheet (John French Auto)	Pl. Ex. 165		
Transcript of Trial Testimony of P.O. Beahr, H/R			FRE802,803
Transcript of Trial Testimony of P.O. Beahr, Kogut II			FRE802,803
Statement of Steve and Elizabeth Cagan	NC 048631		FRE802,803
Progress Report Re: 3/29/85 Eavesdropping Warrant	Pl. Ex. 237		Redact per MIL
Eavesdropping Warrant effective 3/14/85	Pl. Ex. 178		
Progress Report Re: 3/14/85 Eavesdropping Warrant	Pl. Ex. 236		Redact per MIL
Eavesdropping Warrant effective 3/29/85	Pl. Ex. 158		
Transcript of Deposition of Hon. Edward McCarty, 12/20/10			
Transcript of Trial Testimony of Dr. Elizabeth Spratt, Kogut II			FRCP26(a)(2)(e) violation; FRE702
Interview of Eileen Tosner dated 1/22/85	Pl. Ex. 189		FRE802,803
Notes on Interview of Eileen Tosner dated 1/22/85	Pl. Ex. 189		FRE802,803

Transcript of Deposition of Fred Klein, 8/23/10			FRCP32 n/a; witness available
Transcript of Deposition of Fred Klein, 9/1/10			FRCP32 n/a; witness available
Transcript of Deposition of Fred Klein, 9/8/10			FRCP32 n/a; witness available
Transcript of Deposition of Fred Klein, 4/3/12			FRCP32 n/a; witness available
Expert Report of Frank Meyer and CV			FRE403; MIL
Deposition of Frida Restivo			(dup)
Transcript of Deposition of Frida Restivo, 10/25/11			
Sirriani Notes on John French dated 12/6/84	Pl Ex. 161	Stipulated	
Transcript and/or video of Deposition of Frank Sirianni, 6/15/10			
Transcript and/or video of Deposition of Frank Sirianni, 12/13/11			
Transcript and/or video of Deposition of Frank Sirianni, 12/14/11			
Transcript of Trial Testimony of Det. Sirianni, Kogut II			
Transcript of Trial Testimony of Det. Sirianni, Kogut I			
TF Missing Person's Report dated 11/11/84 and supplementary reports	NC 14171-14194		Redact per MILs, FRE403
Deposition of Glenn Mielinis			FRCP32 n/a; witness available
Detective Division Supplementary Report dated 6/4/03: Interview w/Glen Mielinis	NC 12254-55		FRE802,803; MIL
Detective Hillman Interview of Glenn Mielinis	NC 77134		FRE802,803; MIL
Statement of Glen Mielinis dated 7/24/03	NC 26074-75		FRE802,803; MIL
Transcript of Deposition of Glen Mielinis, 1/9/12			FRCP 32 n/a; witness available
Picture of DVD entitled "Dub Copy of Interview with John Kogut" 3/26/85; Transcript of Kogut Video Confession to ADA Peck 3/26/1985	Def. Ex. ZZZZ; NC 76734		

	Transcript of Trial Testimony of ADA Peck, Kogut II			
	Transcript of Trial Testimony of Gregory Peck, Kogut I			
	Perrino Notes on Smyle Interview beginning 3/5/85, scratch	Pl. Ex. 191		
	Perrino Notes on Smyle Interview beginning 3/5/85, typed	Pl. Ex. 193		
	Volpe's Notes on Smyle and leads to John Restivo	Pl. Ex. 176		
	Homicide Lead Sheets for Harold Smyle (source= Eileen Tosner)	Pl. Ex. 190		
	Transcript of Trial Testimony of Harold Smyle, H/R			
	Transcript of Trial Testimony of Harold Smyle, H/R			
	NCPD Form 79 for Harold Smyle dated 3/5/85	Pl. Ex. 192		
	Statement of Harold Smyle dated 3/27/85, scratch	Pl. Ex. 198		
	Statement of Harold Smyle dated 3/27/85, typed	PL. Ex. 199		
	Statement of Harold Smyle dated 3/7/85, scratch	Pl. Ex. 195		
	Statement of Harold Smyle dated 3/7/85, typed	Pl. Ex. 193		
	Statement of Harold Smyle dated 6/25/85, typed	NC 18347		
	Statement of Harold Smyle dated 9/18/86, typed	NC 18353		
	Transcript of Trial Testimony of Harold Smyle, H/R			
	Transcript of Deposition of Harold Smyle, 1/5/12			
	Map of Lynbrook, street view	Def Ex. WW		
	Map of Lynbrook, aerial view-marked	Def Ex. CC		
	Map of Lynbrook, arerial view-marked, Large	Def Ex. R		
	Waltman Report dated 12/6/84	Pl. Ex. 137		

Transcript of Deposition of Harry Waltman, 2/23/09			FRCP32 n/a; witness available
Transcript of Trial Testimony of Det. Waltman, H/R			
Transcript of Trial Testimony of Det. Waltman, Kogut I			
Transcript of Trial Testimony of Waltman, Kogut II			
MAP of Lynbrook	Def. Ex. Q		
Affidavit of John Considine	NC 47171		
Detective Hillman Interview of John Considine	NC 77116		FRE402,802,803
Connaughton/Sirianni Notes on Interview of Josephine Sciurba	NC 49898-49900		FRE402,403,802,803; MIL re KM
Detective Hillman Interview of Josephine Sciurba	NC 77123-24		FRE402,403,802,803; MIL re KM
Transcript of Deposition of John French, 4/19/11			
List of Items Missing from John French's Car dated 12/11/84	Def. Ex. J	Stipulated	
John French Statement, dated 12/7/84, scratch	Pl. Ex. 163	Stipulated	
French stolen car report & NCPD Vehicle/Boat Recovery Report	Pl. Ex. 166	Stipulated	
Pictures of John French Auto	Pl. Ex. 169	Stipulated	
Volpe Notes Re: French Stolen Car	Def. Ex. I		re SIB hair report: FRE802,803
Map of Lynbrook w/location where French auto was reported stolen and location where car was recovered marked	Pl. Ex. 170		
Description of events leading up to Theresa Fusco Murder (handwritten) signed by Kogut, dated 7/13/85	Def. Ex. KKKK		FRE802,803,901,1002
Transcriptand/or video of Deposition of John Kogut, 1/30/12			FRE404,608; MIL
Transcript and/or video of Deposition of John Kogut, 1/31/12			FRE404,608; MIL
All Daubert Hearing Exhibits			
Expert Reports of Jay Kadane and CV			Motion to exclude

	Det. Kuhn/O'Leary Notes on Interview w/Joann Nitti, typed dated 8/5/03			FRE403,404(b), 608, 802; MIL
	Transcript of Trial Testimony of Joann Eginton (Nitti), H/R			
	Transcript of Trial Testimony of Joann Eginton (Nitti), Kogut II			
	Volpe Notes on Interview w/Joann Eginton (Sirianni present for interview) dated 2/27/86, scratch	NC 11824-26		
	Lamaze certificate for John Restivo and Joann Eginton dated 12/11/84	NC 11829; Def Ex. II		
	Macy's Check for Carpet signed by Joann Eginton	Def. Ex. FFF		
	Notes of Detective Hillman Interview of Joann Eginton (Nitti) dated 10/21/11	NC 077137-139		FRE403,404, 608,802,803; MIL; also NC077138-9 completely redacted based on claim of privilege - sword/shield
	Notes of Detective Hillman Interview of Joann Eginton (Nitti) dated 9/1/2010	NC 077092		FRE403,404, 608,802,803; MIL
	Notes on phone conversation w/Joann Eginton dated 5/2/86 @1800hrs	NC 11827		FRE403,404,802,803
	Registration Card (photocopy) for 77 Ford Blue Van registered to Joanne Eginton	NC 029420		
	Taped Interview of John Nitti	NC 78840		FRE802,803, violates representation re use of tapes made at 4/13/12 arg
	Transcript of GJ Testimony of Joann Eginton	Def Ex. K; Def. Ex. Z		Redact per MIL
	Notes of Sgt. Overs (Lynbrook Police) dated 12/5/84, typed; Notes on Interview of Michael Baez dated 12/5/84, typed; Notes on Interview of Andrew Tursi dated 12/5/84, typed	(Pl. Ex. 44, Volpe Deposition)		
	Transcript of Trial Testimony of Sgt. Overs. Kogut II			
	Transcript of Trial Testimony of Sgt. Overs, H/R			

	Transcript of Trial Testimony of Sgt. Overs, Kogut I			
	Norwegian Folk Dance, November/December 1984	NC 78847		NC78847 is a photo of Kogut audio from video confession
	Statement of John Restivo, 3/6/85, scratch	Def. Ex. KKK		FRE402,802,803; MILs 403
	Statement of John Restivo 3/6/85, typed	Pl. Ex. 177		FRE402,802,803; MILs 403
	Transcript of Deposition of John Restivo, 11/16/09			FRE403,404,608; MIL
	Transcript of Deposition of John Restivo, 6/13/11			FRE403,404,608; MIL
	Transcript of Deposition of John Restivo, 6/14/11			FRE403,404,608; MIL
	Transcript of Deposition of Jack Sharkey, 2/26/09			FRCP 32 n/a; witness available
	Crime Scene Log, 12/5/84, 12/6/84	Def. Ex. B-1		
	Sharkey Notes of Interview of Robert Martini, scratch	Pl. Ex. 150		FRE802,803
	Sharkey's Notes on Interview w/ John Restivo 3/6/85	Pl. Ex. 132		FRE802,803
	Sharkey's Notes Re: Murder Investigation of Theresa Fusco, scratch	Pl. Ex. 146		FRE802,803
	Phone Records of Harold O'Hanlon (1/22/86 to 1/31/86)			
	Transcript of Trial Testimony of Joseph Taylor, H/R			FRE802,803
	Transcript and/or video of Deposition of Joseph Volpe, 1/26/09			
	Transcript and/or video of Deposition of Joseph Volpe, 3/5/09			
	Transcript and/or video of Deposition of Joseph Volpe, 3/18/09			
	Transcript and/or video of Deposition of Joseph Volpe, 4/6/09			
	Transcript and/or video of Deposition of Joseph Volpe, 5/4/09			
	Transcript and/or video of Deposition of Joseph Volpe, 11/24/09			

	Transcript and/or video of Deposition of Joseph Volpe, 12/2/09			
	Transcript and/or video of Deposition of Joseph Volpe, 11/19/10			
	Transcript of Deposition of Joseph Volpe, 1/26/09			
	Transcript of Deposition of Joseph Volpe, 11/19/10			
	Transcript of Deposition of Joseph Volpe, 3/5/09			
	Transcript of Trial Testimony of Det. Volpe, Kogut I			
	Transcript of Trial Testimony of Det. Volpe, Kogut II			
	Volpe Notes on Interview Joann Eginton, scratch dated 2/27/86	NC 11824-26		FRE403,404(b), 608, 802,803; MIL
	NCPD Form 79 for Kenneth Cockeral dated 4/19/85	Pl. Ex. 17		PX17 IS NOT A FORM 79: Polygraph. MIL.
	GJ Testimony of Kenneth Cockeral			
	Detective Division Supplemental Report: Interview with Kerry Ann Sellick (by Det. Kelly)	NC 12256		FRE802,803, 701 (speculation, foundation)
	Statement of Kerry Sellick dated 12/6/84, typed			unclear designation (no bates) - obj. FRE802,803
	Transcript and/or video of Deposition of Lori French Gabberty, 3/16/11			
	Additional Lead Sheet dated 12/7/84, source = Lisa Kaplan	NC 023690		
	Handwritten Note/Msg to Volpe from Dempsey Re: Lisa Kaplan Phone Call dated 12/10/84 @1830hrs	NC 023694		
	List of names, addresses and other information given to NCPD by Lisa Kaplan, scratch	NC 023689		
	Notes from Re-Interview of Lisa Kaplan, scratch dated 12/11/84			
	Notes of Interview of Lisa Kaplan, scratch, dated 12/5/84	NC 023666-69		

Notes on Interview of Lisa Kaplan dated 12/5/84, typed; Homicide Lead Sheets (source= Lisa Kaplan); Alger/Sharkey Notes of Lisa Kaplan Interview, scratch.	Pl. Ex. 58		
Transcript of Trial Testimony of Lisa (Kaplan) Johnson, Kogut II			
Transcript of Trial Testimony of Lisa Kaplan, H/R			
Transcript of Trial Testimony of Lisa Kaplan, Kogut I			
Connaughton notes on Leo Klein, 6/12/85	Pl. Ex. 94		FRE802,803
Statement of Leo Klein dated 5/25/85	NC 48604		
Statement of Leo Klein dated 6/17/85	NC 48605-06		FRE802,803
Transcript of Trial Testimony of Leo Klein, H/R			FRE802,803
Prez Tools receipts			Unclear designation –which?
Statement of Michael Cockerel dated 4/2/85, scratch	Pl. Ex. 205		
Notes of Interview of Michael Cockerel dated 4/2/85	NC 20129-20131		FRE 802,803; re KM: FRE402, 403, MIL
Notes re: Michael Cockerel dated 2/16/86	NC 20134-38		
Polygraph Materials for Michael Cockerel dated 4/2/85	Pl. Ex. 204		MIL polygraph
Statement of Michael Cockerel dated 4/2/85, scratch	Pl. Ex. 205		(dup)
Statement of Michael Cockerel dated 4/2/85, typed	Pl. Ex. 206		
Statement of Michael Cockerel, scratch dated 3/15/85	Pl. Ex. 200		FRE403,802,803; MILs
Transcript of GJ Testimony of Michael Cockerel, People v. John Doe Investigation			Redact per MIL
Transcript of Trial Testimony of Michael Cockerel, H/R			Redact per MIL
Polygraph Examination Materials for Michael Cockerel dated 4/2/85	Pl. Ex. 204		MIL polygraph

	Detective Kuhn Interview of Michael Cockerel	NC 12232-12233		FRE802,803; MILs, 403
	NCPD 79 Michael Cockerel dated 3/15/85	Pl. Ex. 86; 202		
	NCPD Form 79 for Michael Cockerel dated 4/2/85	Pl. Ex. 207		
	NCPD Form 79 for Michael Cockerel dated 4/2/85	Pl. Ex. 207		(dup)
	Notes of Interview of Michael Cockerel dated 4/2/85, typed	Pl. Ex. 203		FRE802,803; MILs, 403
	Notes on Interview of Michael Cockerel dated 4/2/85, typed	Pl. Ex. 203; NC 20129-20131		FRE802,803; MILs, 403; (dup)
	Homicide Lead Sheet for Dennis Halstead (source=John Restivo) beginning 3/13/85	Def. Ex. SSS		FRE802,803 for truth; MIL
	Kogut Alibi List	NC 023694		NC023694 IS NOT AN ALIBI LIST
	NCPD Missing Person Supplementary Report (Theresa Fusco)	Pl. Ex. 148		Redact per MIL
	Van Photographs	Pl. Ex. 110		
	Volpe Notes on John Kogut dated 3/21/85, typed	Pl. Ex. 65		
	Homicide Lead Sheet, lead source=Debbie Smith	Pl. Ex. 158		
	Search Warrant for 1977 Blue Ford Van, Order and Affidavit w/exhibit	Pl. Ex. 111		Redact per MIL
	Connaughton Notes of Interview of M. Goergies, scratch dated 8/22/85	Pl. Ex. 82		
	Kuhn Fax w/Connaughton notes/memobook entries for 3/18/85; 3/20/85; 3/22/85; 3/25/85-3/27/85; 3/29/85; 4/1/85-4/5/85; 4/8/85; 4/16/85 to 4/19/85; 4/24/85-4/26/85; 6/18/85	Pl. Ex. 87		FRE802,803
	Connaughton Notes on Nitti, 4/1/85	Pl. Ex. 88		FRE403,404,802,803 MIL
	Connaughton Notes on Patrick Proctor, 5/17/86-scratch	Pl. Ex. 103		FRE802,803
	Notes of Connaughton and Diehl on Kogut Alibi beginning 3/19/86	Pl. Ex. 9		FRE802,803

Notes of Perrino/Connaughton Interview of Michael Cockerel dated 3/15/85 and 4/2/85	Pl. Ex. 201		FRE802,803; MILs, 403
Transcript of Trial Testimony P.O. Connaughton, Kogut II			
Perrino/Connaughton Notes on Interview w/Joann Eginton, scratch, dated 2/20/86	NC 11828		FRE802,803; MILs, 403
Transcript of Deposition of Michael Connaughton, 1/29/09			
Transcript of Trial Testimony of P.O. Connaughton, H/R			
Transcript of Trial Testimony of P.O. Connaughton, Kogut I			
Transcript of Trial Testimony of Det. Gruber, Kogut I			MIL (polygraph)
Transcript of Trial Testimony of Gruber, Kogut II			MIL (polygraph)
Notes of Detective Kuhn	NC 24257-24532		FRE802,803, 403
Transcript of Deposition of Michael O'Leary, 1/18/11			
Transcript of Deposition of Michael O'Leary, 2/28/11			
Transcript of Trial Testimony of Pasquale Buffolino, Kogut II			FRCP26(a)(2)(e) violation; FRE702
letter from Pasquale Buffolino to Zach Gaskin re: DNA WITNESS 2.0 testing of a sample (6/17/03),	NC 34019		
Pasquale Buffolino-DNA stats and CV 11703-11712	NC 11703-11712		FRCP26(a)(2)(e) violation; FRE702
Transcript of Deposition of Peter Weinstein, 2/10/11			
Transcript of Deposition of Peter Weinstein, 1/13/12			
Transcript of Trial Testimony of Bauman, H/R			
Transcript of Trial Testimony of Bauman, Kogut I			

Transcript of Trial Testimony of Baumann, Kogut II			
Transcript of Trial Testimony of Rochelle Bernstein, H/R			
Theresa Fusco's Hot Skates Time Card, dated 11/10/84			
Transcript of Trial Testimony of Rochelle Bernstein, Kogut I			
Transcript of Trial Testimony of Rochelle Bernstein, Kogut II			
Transcript of Trial Testimony of Brusa, Kogut II			
Transcript of Trial testimony of Det. Brusa, H/R			
NCPD Form 79 for John Kogut dated 3/26/85	Def Ex. NNNN		
NCPD Form 79 for John Restivo dated 3/6/85 @0350hrs	Def. Ex. LLL		Redact per MIL
NCPD Form 79 for John Restivo dated 3/6/85 @1620hrs	Def. Ex. MMM		Redact per MIL
Photograph of John Kogut at precinct dated 3/26/85	Def. Ex. PPPP		
Photograph of John Kogut at precinct dated 3/26/85, alternate view	Def. Ex. OOOO		
Rights Card signed by John Kogut (date/time is listed as 3/26/85 at 12:25PM)	Def. Ex. QQQQ		
Statement/Confession of John Kogut dated 3/26/85 (full 7pgs)	Pl. Ex. 57;63; NC 23853		
Dempsey's Notes on John Restivo beginning at 2350(11:50pm) on 3/5/85 and going thru 1610 (4:10pm) on 3/6/85	Pl. Ex. 131		FRE802,803 for truth of matters asserted
NCPD Form 81 Arrest Report for John Kogut, typed (date/time of arrest listed as 11:20pm 3/25/85)	NC 14544		
Dempsey's Notes of Interview with Restivo dated 3/6/85 beginning at 9:20am, scratch	Def. Ex. NNN; Pl. Ex. 132		FRE802,803 for truth of matters asserted
Transcript of Deposition of Robert Dempsey, 2/13/09			

Transcript of Deposition of Robert Dempsey, need date			
Transcript of Deposition of Robert Dempsey, need date			
Transcript of Trial Testimony of Det. Dempsey, Kogut I			
Transcript of Trial Testimony of Det. Dempsey, Kogut II			
Volpe Notes on John Kogut and the Questioning/Interrogation of John Kogut from 3/25/85 to 3/26/85, scratch	Pl. Ex. 66		
Transcript of Trial Testimony of Edwards, H/R			
Transcript of Trial Testimony of Edwards, Kogut II			
Detective Division Supplementary Reports (262) for the current litigation (Detectives Hillman and Goldman)	NC 077082-077140		FRE402,403,404(b), 608, 609; is redacted; MILs
Transcript of Deposition of Robert Hillman, 3/29/12			FRCP32 n/a; witness unavailable; MILs
Additional Statement of Steven Cagan dated 5/1/85	NC 048626-27		FRE802, counter-designate NC048628
Statement of Steve Cagan dated 5/15/85	NC 048623-25		FRE802,803
Transcript of Trial Testimony of Steven Dorfman, H/R			
Transcript of Trial Testimony of Samuel Newsome, Kogut II			
Transcript of Deposition of Shaun Spillane, 2/9/09			
Crime Scene Photo List (various photographers)	13057-72		
Crime Scene Property Pictures	Pl. Ex. 50		
Crime Scene Roll Call 12/5/84	Pl. Ex. 29		
Crime Scene Search Unit Reports "additional to 12/5/84"	Def. Ex. C		
Crime Scene Search Unit Reports dated 12/5/84	Def Ex. B		
Homicide Lead Sheet for Josh Caputo	Pl. Ex. 35		
Homicide Lead Sheet for Dawn Nese	Pl. Ex. 36		
Homicide Lead Sheet for Charles Collura	Pl. Ex. 37		

	Homicide Lead Sheet for Gavin Loyer	Pl. Ex. 38		
	Homicide Lead Sheetfor Dennis Acker	Pl. Ex. 39		
	Homicide Lead Sheet for James Hensley	Pl. Ex. 40		
	Homicide Lead Sheet for Renee Benedetto	Pl. Ex. 42		
	Volpe Notes of Interview of Paul Lampasona (also present, Allen, Connaughton, Deihl, Mitchell, Walsh)	Pl. Ex. 33		FRE802,803
	Transcript of Trial Testimony of Det. Allen, H/R			
	Transcript of Trial Testimony of Det. Allen, Kogut I			
	Transcript of Trial Testimony of Det. Allen, Kogut II			
	Transcript of Deposition of Thomas Allen, 1/22/09			
	Report of Death of Theresa Fusco by Dr. Alan Greene	NC 19138-191400; Pl. Ex. 54		
	Autopsy Photos of Theresa Fusco	NC 13271; NC 12962-12981		FRE403
	Report of Autopsy for Theresa Fusco dated 12/6/84	NC 19141-47		
	Transcript of Trial Testimony of Dr. Tamara Bloom, Kogut II			
	Det Mitchell Notes of Interview of Thomas Gihouley, 2/11/85-typed	Pl. Ex. 179		
	Transcript of Trial Testimony of Tara Gonzalez, Kogut II			FRCP 32 n/a; witness not unavailable; never used against Restivo & Halstead
	Expert Report of Dr. Terry Melton			
	Terry Melton Prior Report dated July 29, 2003	NC 055934-36		
	Terry Melton Prior Report dated Oct 21, 2002	NC 055938-39		
	Transcript of Trial Testimony of Dr. Terry Melton, Kogut II			

Detective Division Supplementary Report dated 5/16/03: Interview of Thomas McBride by Det. Kuhn and Det. O'Leary	NC 12252-53		FRE802,803,403; MILs re KM, post-conviction admissions
Detective Hillman Interview of Thomas McBride	NC 07718		FRE402,802,803, MIL
Note from Vito Shiraldi to Terry Melton Re: TF hair	NC 58341		
Transcript of Trial Testimony of Vito Schiraldi, Kogut II			FRE403, 702; FRCP 26(a)(2)(e)
Hair File of Vito Schiraldi	NC 77825-958		FRE403, 702; FRCP 26(a)(2)(e)
Van Photographs	Def. Ex. U, V, W, X, UUUU, VVVV, XXXX, WWWW		
NCPD Property Bureau Invoice dated 5/8/85 regarding item seized pursuant to van search warrant dated 3/26/85	NC 029418		
Notes on "Eginton Blue Van," damage and inventory, scratch	NC 029419		
Van Photographs	NC 2674-2711		
Crime Scene Search Unit Receipt for Ford Blue Van dated 3/26/85	Pl. Ex. 112		
Transcript of Deposition of Wayne Birdsall, 2/5/09			
Transcript fo Trial Testimony of Birdsall, Kogut II			
Transcript of Trial Testimony of Birdsall, Kogut I (SIB)			
Transcript of Trial Testimony of Birdsall, H/R			
Transcript of Deposition of William Diehl, 1/20/09			
Transcript of Trial Testimony of P.O. Diehl, H/R			
Homicide Lead Sheet dated 1/22/85 for Christopher Bittar	NC 021557		

	Homicide Lead Sheet for Charles Collura	Pl. Ex. 41		
	Detectives Kelly/Trillo investigation file	NC 69128-70336		
	Notes of Detectives Trillo and Kelly			
	Transcript of Trial Testimony of Walter Poppe, Kogut II			
	Crime Scene Photographs (complete set)			FRE403
	Pierce Notes of Interview of Matthew Wilson, typed 12/6/84	Pl. Ex. 194		
	Perrino Notes starting 3/5/85	pl. ex. 191		FRE802,803, MIL

Dated: July 23, 2012

Resepctfully submitted,

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